# JOURNAL

of the

# HOUSE OF REPRESENTATIVES

of the

# GENERAL ASSEMBLY

of the

# COMMONWEALTH OF KENTUCKY

Regular Session of 1966

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## Volume I

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Held in the State Capitol in the Capital City of Frankfort, at
Frankfort, in the year of Our Lord 1966 and
in the One Hundred and Seventy-Fourth
Year of the Commonwealth

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Begun on the Fourth Day of January, 1966, and Adjourned
Sine Die on the Eighteenth Day of March, 1966

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by
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November 15, 1966

# FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

Under the provisions of Sections 6.161, 6.162 and 57.151 of the *Kentucky Revised Statutes*, the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of that obligation.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading. Simple and concurrent resolutions are printed when adopted and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Shan Stone Gray prepared the 1966 House Journal. The index was prepared by Mrs. Mabel D. Robertson. The Journal was proofread by Mrs. Betty Smith Balch, Miss Victoria Dodd Reed, and Mrs. Mabel D. Robertson. Mr. Brooks H. Talley edited the Journal.

JAMES T. FLEMING
Director

The Capitol
Frankfort, Kentucky
November 15, 1966

# JOURNAL
OF THE
# HOUSE OF REPRESENTATIVES
OF THE
# COMMONWEALTH OF KENTUCKY

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REGULAR SESSION, 1966

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**TUESDAY, JANUARY 4, 1966**
**FIRST LEGISLATIVE DAY**

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At a General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on January 4, 1966, the one hundred and seventy-fourth year of the Commonwealth, in accordance with the provisions of the Constitution, Mrs. Addie Stokley, Assistant Clerk of the 1966 House of Representatives, assumed the Chair and called the House to order.

Prayer by Reverend John C. Chenault of the First Christian Church, Frankfort.

Assistant Clerk Stokley read the following certificate from the Secretary of State:

Commonwealth of Kentucky
County of Franklin

I, Thelma L. Stovall, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the House of Representatives of the Commonwealth of Kentucky.

Given under my hand and seal of office this 3rd day of January, 1966.

THELMA L. STOVALL
Secretary of State
Commonwealth of Kentucky

## MEMBERS OF THE HOUSE OF REPRESENTATIVES
## 1966 KENTUCKY GENERAL ASSEMBLY

1. Ballard, Carlisle, Hickman, Fulton. Henry Maddox, Democrat, Hickman.
2. Graves. Lloyd Clapp, Democrat, Wingo.
3. McCracken. Julian M. Carroll, Democrat, West Paducah.
4. McCracken. Fred Morgan, Democrat, Paducah.
5. Calloway, Trigg. Charlie Lassiter, Democrat, Murray.
6. Marshall, Lyon, Caldwell. Shelby McCallum, Democrat, Benton.
7. Union, Crittenden, Livingston. George F. Harris, Democrat, Salem.
8. Christian. John O. Hardin, III, Democrat, Hopkinsville.
9. Christian. James E. Bruce, Democrat, Hopkinsville.
10. Hopkins. John Henry Cox, Democrat, Madisonville.
11. Henderson. John Stanley Hoffman, Democrat, Henderson.
12. Webster, McLean. Richard (Hoppy) Hopkins, Democrat, Calhoun.
13. Daviess. John D. Miller, Democrat, Owensboro.
14. Daviess. R. E. Hale, Democrat, Owensboro.
15. Muhlenberg. Fred Wallace, Jr., Republican, Central City.
16. Todd, Logan. Paul E. Young, Democrat, Allensville.
17. Butler, Ohio, Hancock. Theron Kessinger, Republican, Beaver Dam.
18. Breckinridge, Meade. C. H. Pile, Democrat, Guston.
19. Grayson, Edmonson. Damon Majors, Democrat, Caneyville.
20. Warren. A. E. Tucker, Democrat, Bowling Green.
21. Warren. Edward G. Brown, Democrat, Bowling Green.
22. Simpson, Allen. Raymond H. Barber, Democrat, Scottsville.
23. Barren. Paul Allen, Democrat, Glasgow.
24. Hart, Larue. James E. Bondurant, Democrat, Hodgenville.
25. Hardin. Sam H. Watkins, Democrat, Elizabethtown.
26. Hardin. Martin Louis Straney, Democrat, Radcliff.
27. Monroe, Metcalfe. Wallace Bartley, Republican, Summer Shade.
28. Green, Adair. Frank Sartin, Republican, Greensburg.
29. Marion, Taylor. James E. Whitlock, Democrat, Lebanon.

30. Nelson, Anderson. Joseph Bernard Keene, Democrat, Bardstown.
31. Bullitt, Spencer. Stuart S. Kelly, Democrat, Taylorsville.
32. Jefferson. E. Bruce Blythe, Jr., Republican, Louisville.
33. Jefferson. Allen E. Russell, Republican, Louisville.
34. Jefferson. Louis E. Ballenger, Republican, Louisville.
35. Jefferson. Charles W. Vanover, Republican, Louisville.
36. Jefferson. Clarence R. (Dumps) Miller, Democrat, Louisville.
37. Jefferson. Fallis (Pop) Vernon Buky, Republican, Louisville.
38. Jefferson. Dexter S. Wright, Republican, Louisville.
39. Jefferson. Bob Henry Eicher, Republican, Louisville.
40. Jefferson. George R. Siemens, Democrat, Louisville.
41. Jefferson. Jesse P. Warders, Republican, Louisville.
42. Jefferson. Charles A. Brady, Republican, Louisville.
43. Jefferson. Norbert Blume, Democrat, Louisville.
44. Jefferson. Charles J. Jones, Republican, Louisville.
45. Jefferson. Jesse O. "Oz" Johnson, Republican, Louisville.
46. Jefferson. Melvin Thomas Riddle, Republican, Louisville.
47. Jefferson. James M. Caldwell, Republican, Louisville.
48. Jefferson. Eugene P. Stuart, Republican, Louisville.
49. Washington, Mercer. John M. Smothers, Democrat, Springfield.
50. Boyle, Garrard. Howard P. Hunt, Jr., Democrat, Danville.
51. Madison. Robert L. Leeds, Democrat, Richmond.
52. Woodford, Jessamine. John C. Bourne, Democrat, Nicholasville.
53. Fayette. Foster Pettit, Democrat, Lexington.
54. Fayette. Ted R. Osborn, Democrat, Lexington.
55. Fayette. Dan Ball, Republican, Lexington.
56. Fayette. John Y. Brown, Democrat, Lexington.
57. Franklin. Ralph Bates, Democrat, Frankfort.
58. Shelby, Henry. Louis T. Peniston, Democrat, New Castle.
59. Oldham, Trimble, Carroll. Otis R. Chaudoin, Democrat, Pewee Valley.
60. Boone, Gallatin. Dan J. Roberts, Democrat, Walton.
61. Owen, Grant, Pendleton. Franklin Webster, Democrat, Williamstown.

62. Scott, Harrison. W. K. (Bill) Henry, Democrat, Georgetown.
63. Kenton. Kenneth F. Harper, Republican, South Ft. Mitchell.
64. Kenton. Phillip E. King, Democrat, Covington.
65. Kenton. John J. Isler, Democrat, Covington.
66. Kenton. Gus Sheehan, Jr., Democrat, Covington.
67. Campbell. James E. Murphy, Democrat, Newport.
68. Campbell. Eugene Ostertag, Democrat, Ft. Thomas.
69. Campbell. Henry "Bud" Overman, Democrat, Ft. Thomas.
70. Bracken, Mason. Mitchel B. Denham, Democrat, Maysville.
71. Robertson, Fleming, Rowan. Sherman R. Arnett, Democrat, Clearfield.
72. Bourbon, Nicholas. Brooks Hinkle, Democrat, Paris.
73. Clark, Powell. B. E. "Nig" Billings, Democrat, Stanton.
74. Montgomery, Menifee, Bath. Mrs. Nell Guy McNamara, Democrat, Mt. Sterling.
75. Carter, Lewis. Wayne "Zeke" Secrest, Republican, Vanceburg.
76. Greenup. W. Terry McBrayer, Democrat, Greenup.
77. Knott, Magoffin. W. R. Smith, Democrat, Hindman.
78. Lee, Wolfe, Breathitt. Russell Reynolds, Democrat, Jackson.
79. Jackson, Owsley, Estill. C. H. Bicknell, Republican, Irvine.
80. Lincoln, Rockcastle. William H. DeMarcus, Republican, Stanford.
81. Casey, Russell, Cumberland. Siler Floyd, Republican, Yosemite.
82. Wayne, Clinton, McCreary. Archie Brown, Republican, Stearns.
83. Pulaski. Leonard R. Hislope, Republican, Somerset.
84. Whitley. Will K. Peace, Republican, Williamsburg.
85. Laurel. Dexter McCowan, Republican, Mershons.
86. Knox. Buford Clark, Republican, Barbourville.
87. Bell. Harry M. Hoe, Republican, Middlesboro.
88. Harlan. Paul Short, Republican, Harlan.
89. Harlan. Bill Criscillis, Democrat, Loyall.
90. Clay, Leslie. John E. White, Republican, Manchester.
91. Letcher. William R. "Bill" Jordan, Democrat, Jenkins.

92. Perry. Alex McIntyre, Jr., Republican, Hazard.
93. Pike. James E. "Big Jim" Hunt, Republican, Fedscreek.
94. Pike. Gether Irick, Democrat, Stone.
95. Floyd. W. J. "Bill" Reynolds, Democrat, Allen.
96. Floyd. Ben Martin, Democrat, Drift.
97. Johnson, Martin. Albert Dempsey, Republican, Inez.
98. Morgan, Elliott, Lawrence. Lynn B. (L. B.) Wells, Democrat, Sandy Hook.
99. Boyd. Thomas E. "Tom" Chapman, Democrat, Rush.
100. Boyd. Charles D. Wheeler, Republican, Ashland.

Said Representatives produced their certificates of election, appeared before the Presiding Officer and were administered their oaths of office by Judge James B. Milliken of the Court of Appeals of Kentucky.

The roll was called. All present except Representatives R. Reynolds, Sartin, and Short.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Carroll nominated the Honorable Shelby McCallum, Representative from Marshall County, as Speaker, seconded by Representative Cox.

Representative McCowan nominated the Honorable James M. Caldwell, Representative from Jefferson County, for Speaker.

Representative Carroll moved that the nominations cease. Agreed.

On the roll call the vote was:

For Shelby McCallum:

On the roll call the vote was yeas 72—Allen, Arnett, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard, P. Hunt, Jr., Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, John D. Miller, Morgan, Murphy, Osborn,

Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Russell, Sheehan, Short, Siemens, Smith, Smothers, Straney, Tucker, Wallace, Watkins, Webster, Wells, Whitlock, Young. Nays 13—Ball, Buky, Caldwell, DeMarcus, Eicher, Floyd, Harper, Hoe, Jones, Riddle, Vanover, Wheeler, Wright.

For James Caldwell:

On the roll call the vote was yeas 36—Allen, Ball, Ballenger, Bartley, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Henry, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, McIntyre, Peace, Riddle, Russell, Smothers, Stuart, Vanover, Warders, Wheeler, White, Wright, Young. Nays 3—Hardin, King, Ostertag.

Representative Ballenger moved that the election of Shelby McCallum be unanimous. Agreed.

The Clerk appointed a Committee composed of Representatives Morgan, Young, Caldwell, and Hislope to escort the Speaker to the Chair.

The Speaker was escorted to the Chair.

The oath of office was administered by Judge James B. Milliken of the Court of Appeals of Kentucky.

Speaker McCallum assumed the Chair.

Representative Henry announced that the Democratic Party in caucus assembled had elected Honorable John Y. Brown as Majority Floor Leader, and Honorable Louis T. Peniston as Caucus Chairman.

Representative Ballenger announced that the Republican Party in caucus assembled had elected the Honorable James M. Caldwell for Minority Floor Leader; Representative Ball, Caucus Chairman; Representative Hoe, Whip; Representative Wheeler, Secretary and Assistant Minority Leader; and Representative Harper, Assistant Minority Leader.

Representative John Y. Brown nominated the following Constitutional Officers, who were elected by acclamation:

| | |
|---|---|
| Chief Clerk | Troy Sturgill |
| Assistant Clerk | Addie Stokley |
| Enrolling Clerk | Ruth Layson |
| Sgt. at Arms | James Hahn |
| Doorkeeper | Milton Ashby |
| Janitor | Virgil Smith |
| Cloakroom Keeper | Ben Ashby |
| Cloakroom Keeper | Wayland Render |
| Pages | Jane Murphy |
| | Allen Kraus |
| | Alan Hunt |

Judge James B. Milliken of the Court of Appeals of Kentucky administered the oath of office to the Constitutional Officers.

**Recess**

Representative John Y. Brown moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair.

**Motions, Petitions, and Communications**

**HR 1,** by Representative John Y. Brown: A RESOLUTION adopting permanent rules to govern the 1966 Regular Session of the House of Representatives.

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the following rules are adopted as the permanent rules to govern the House of Representatives during the 1966 session of the General Assembly, superseding the rules under which the House of Representatives has operated.

RULES OF THE HOUSE

Rule 1. Hours of Meeting. The House shall meet at 1:00 P.M., except on Monday when it shall meet at 8:00 P.M. The official time shall be governed by the clock over the main entrance to the House Chamber.

Rule 2. Quorum. A majority of the Members elected to the House shall constitute a quorum. If a quorum is not present at the time fixed for a meeting of the House, five Members may adjourn or recess from day to day or from time to time and fifteen Members may order a call of the House and send for absent Members.

Rule 3. Call of the House. Upon a call of the House the Clerk shall call the roll, then call the absentees again. The doors of the House Chamber shall then be closed and the absentees not excused by the House may be sent for and arrested by the Srgeant-at-Arms and the House shall determine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall be immediately admitted to the floor of the House and their names entered upon the Journal as present, unless the House otherwise directs.

## ORDER OF BUSINESS

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation
2. Roll Call.
3. Reading and Approval of the Journal.
4. Motions, Petitions, Simple Resolutions and Communications.
5. Report of Committees.
6. First Reading of Bills.
7. Second Reading of Bills.
8. Orders of the Day.
9. Report of Reference of Bills to Committees.
10. Introduction and Report of Bills and Resolutions Introduced.
11. Announcements.
12. Adjournment.

Rule 5. Unfinished Business. Unfinished business which was being considered upon adjournment shall have precedence in the class of business to which it properly belongs upon the next succeeding legislative day.

## MOTIONS

Rule 6. Reading of Motions. When a motion has been made and seconded, it shall be stated by the Chair, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Rule 7. Withdrawal of Motions. Every oral motion after it has been stated by the Speaker, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in the possession of the House, and shall not be withdrawn without consent of the House. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

Rule 8. Order of Questions. All questions, whether in Committee of the Whole or in the House, when not privileged questions, shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Rule 9. Precedence of Motions. When a question is under consideration, no motion shall be in order except:

1. To fix the time to which the House shall adjourn.
2. To adjourn.
3. To take recess.
4. To lay on the table.
5. For the previous question.
6. To postpone to a fixed time.
7. To commit.
8. To amend.
9. To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged and the first five of them shall not be debatable.

A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status

unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Rule 10. Motion to Strike Out Enacting Clause. A motion to amend by striking out the enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Rule 11. Motion to Adjourn. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a Member is speaking, while a vote is being taken or when the Committee on Committees is reporting; subject, however, to the limitations set out in Rule 9. A motion to adjourn, or a motion to adjourn to a time certain, shall be taken by roll call vote.

Rule 12. Previous Question. When the previous question has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order. The effect of the previous question shall be to put an end to all debate; to prevent the offering of additional amendments and to bring the House to an immediate vote upon the measure and amendments aforesaid. The previous question may be ordered by a majority of the Members voting. On the call of the roll, no Member shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered, and before the vote upon the main question, the opponents of the measure shall have ten minutes, and proponents of the measure shall have ten minutes.

Rule 13. Motions to Separate Part of a Measure. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Rule 14. Motion to Reconsider. A motion to reconsider a vote shall not be in order unless made by a Member who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days in which

the House is in session next after the day the vote was taken; however, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any Member.

Rule 15. Motion to Table. The adoption of a motion to table, under these rules, defeats the subject matter under consideration.

Rule 16. Motion to Lay on Clerk's Desk. The effect of the adoption of a motion to lay on the Clerk's desk under these rules is to place in charge of the Clerk the pending question and everything adhering to it. A motion laid on the Clerk's desk may be taken from the desk and proceeded with at any time in the same order as when laid on the Clerk's desk.

Rule 17. Postponement of Measure. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Rule 18. Reading of Pending Papers. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Member, but it shall not again be read on the same day unless so ordered by the House.

Rule 19. Nominations. In all elections a previous nomination shall be made.

## MEMBERS

Rule 20. Attendance of Members. No Member shall absent himself from a session of the House without leave from the House.

Rule 21. Decorum of Members. No Member shall designate another Member by name.

Rule 22. Call to Order. If any Member, in speech or otherwise, transgress the rules of order or decorum, he shall immediately be called to order by the Chair and shall take his seat. The Clerk shall reduce the objectionable words to writing and read them to the House. After hearing a short explanation from the Member called to order, or upon the withdrawal of the

objectionable language, the Speaker may permit the Member to proceed, or may compel silence upon him until the matter is disposed of. The ruling of the Chair shall be subject to an appeal to the House. A Member offending the House shall be liable to censure.

Rule 23. Debate. No Member may speak more than once to the same subject until all Members desiring to be heard have spoken, but nothing in this rule shall do away with the previous question if then in effect, nor permit debate on an undebatable motion.

No Member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Speaker.

Rule 24. Members Shall Vote at Seats. A Member shall vote only when at his seat or visibly approaching it.

## OFFICERS AND EMPLOYEES

Rule 25. Duties of Speaker. The Speaker shall take the Chair every day precisely at the hour fixed for the meeting of the House, and, on the appearance of a quorum, shall cause the Journal of the proceeding day to be read, unless the reading of the same is dispensed with by the House.

The Speaker shall preserve decorum and order and, in the event of any disorder in the gallery or in the House Chamber, may cause the same to be cleared of any person creating disturbances or disorders.

All writs, warrants, subpoenas or other processes shall be signed by the Officer who may be presiding over the House when the paper is issued; and his signature shall be attested by the Clerk, when ordered by a majority of the Members.

Rule 26. Appeal from Decision of Chair. The Speaker while presidng may speak to points of order in preference to Members. He shall decide points of order and manner of procedure. If two or more Members arise from their respective

seats and address the Chair, the Speaker shall determine who was first and recognize him. Any decision made by the Speaker shall be subject to appeal to the House. Every such appeal shall be in writing and signed by at least two Members. During the pendency of an appeal to the House from a decision of the Chair the Speaker shall vacate the Chair and call the Speaker Pro Tempore to preside. When the Speaker Pro Tempore is presiding on an appeal to the House from a decision of the Chair no motion or business shall be in order except the motion on appeal from decision of the Chair, and that motion shall not be debatable.

Rule 27. Speaker Pro Tempore. The House shall elect a Speaker Pro Tempore. The Speaker Pro Tempore shall perform the duties of the Speaker when the Speaker is absent from the House or when empowered by the Speaker to perform the duties of the Chair.

Rule 28. Duties of Clerk. The Clerk shall have charge of all the clerical business of the House. He shall have charge of the Clerk's section of the House Chamber and shall see that no one is permitted therein except himself, those assisting him, and Members.

The Clerk shall read to the House papers ordered to be read; call the roll and note and report the absentees when a call of the House is ordered; call the roll and note the answers of Members when a question is taken by yeas and nays; assist the Speaker in taking the count when any vote of the House is taken; notify committees of their appointment and business referred to them; attest all writs, warrants and subpoenas issued by order of the House; keep a Calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills; superintend the engrossing and enrolling of bills; certify to the passage of all bills and to the adoption of all joint and concurrent resolutions by the General Assembly; and make all reports to the Senate, unless otherwise ordered.

Rule 29. Journal of Proceedings. The Clerk shall cause to be kept the Journal of the proceedings of the House. The Clerk shall note upon the Journal all questions of order, together with the disposition of same, and the dates upon which all bills and resolutions were sent to committee and returned to the House.

The House may correct errors in the Journal the day the Journal containing errors is presented to the House.

Half an hour before the time fixed for the meeting of the House each day, the Clerk or one of his assistants shall be present at the Clerk's desk with the Journal of the preceding session for inspection of any Member of the House.

The Clerk shall transmit the Journal for each day as soon as it has been approved by the House to the Legislative Research Commission, which shall deliver it to the public printer.

Rule 30. Custody of Papers. The Clerk shall have custody of all records, papers and bills of the House and shall not allow them to be taken out of his possession without the leave of the House, unless to be delivered to the Chairman of a committee to which they have been referred, to the public printer, or to the Legislative Research Commission, as specified in these Rules, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Rule 31. Accounts of Expenditures. The Legislative Research Commission shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House and Senate.

Rule 32. Printing of House Papers. The Legislative Research Commission shall have supervision and charge of all printing done for the House as certified by the Clerk and the public printer shall print only such documents and other matter as the Legislative Research Commission authorizes. The Clerk shall report to the Speaker every failure to execute printing work correctly and promptly.

Rule 33. Duties of the Sergeant-at-Arms. It shall be the duty of the Sergeant-at-Arms and the Doorkeeper to exclude or remove all persons not entitled to the floor of the House. Thirty minutes before convening of the House each day the Sergeant-at-Arms shall announce in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel all

persons who are not entitled to remain therein to leave the House Chamber and shall prohibit their entry until thirty minutes after the House has adjourned.

Rule 34. Conduct of Employees. All the constitutional employees of the House, shall, one hour before the meeting of the House each day, report to the Clerk, who shall report to the Committee on Committees whether or not all of said employees are on duty. The Committe on Committees, whenever it deems it necessary, shall report to the House any dereliction of duty.

Rule 35. Other Employees. All other professional, clerical and other services required by the House or its committees shall be furnished by the Legislative Research Commission, upon the request of the Committee on Committees. Employees performing such services shall be under the supervision of the Committee on Committees.

No officer or employee of the House shall receive any fee, tip or compensation from any Member and violation of this rule shall be ground for dismissal.

## COMMITTEES

Rule 36. Standing Committees. The following shall be the standing committees of the House.

1. Committee on Committees
2. Agriculture
3. Appropriations
4. Aviation
5. Banks and Banking
6. Charitable, Penal and Reformatory Institutions
7. Classification of Cities
8. Compensation for Industrial Injuries
9. Conservation
10. Constitutional Amendments
11. County Government
12. Courts and Legal Procedure
13. Criminal Law
14. Drainage and Water Districts

15. Education
16. Elections
17. Enrollment
18. Executive Affairs
19. Fish and Game
20. Forestry
21. Governmental Affairs
22. Higher Education
23. Insurance
24. Judiciary and Judicial Council
25. Kentucky Statutes #1
26. Kentucky Statutes #2
27. Kentucky Statutes #3
28. Labor
29. Legislative Affairs
30. Library and Historical Records
31. Mines and Minerals
32. Motor Transportation
33. Municipalities
34. National and Civil Defense
35. Oil and Petroleum
36. Penal and Reformatory Institutions
37. Public Health
38. Public Utilities
39. Railroads
40. Regulation of Intoxicating Liquors
41. Revenue and Taxation
42. Roads and Highways
43. State Fair
44. State Parks
45. Veterans and Military Affairs
46. Ways and Means

Rule 37. Committee on Committees. There shall be a Committee on Committees composed of the Speaker of the House, the Speaker Pro Tempore, the Majority Caucus Chairman and the Majority Floor Leader of the House. The Speaker shall be Chairman of the Committee and the majority of said Committee shall have full power to act on all matters referred to said Committee, either by these rules or by the action of the House. All

bills and resolutions, either joint or concurrent, shall upon their introduction, be automatically referred to the Committee on Committees who shall refer same to the proper Committee not later than the second day in which the House is in session after the date of introduction.

The Committee on Committees shall have supervision and control over all employees of the House, whether elected by the House or provided by the Legislative Research Commission, and the Committee on Committees shall see that they perform all of their duties to the House and the Members thereof. The Committee on Committees is empowered to discharge any or all said employees and officers except the constitutional officers of the House. The Committee on Committees shall appoint the members of all other standing and special committees and shall fill any vacancies thereon.

Rule 38. Rules Committee. No bill shall be considered by the House during the last fifteen legislative days of the session of the House or during any special session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the House consider any bill originating in the Senate during the last fifteen legislative days of the session of the Senate or during any special session except upon the recommendation or report of the Rules Committee of the House previously obtained, unless otherwise ordered by a majority of the Members elected to the House. The Rules Committee shall determine the order in which bills shall be taken up and considered during the last fifteen legislative days.

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the last fifteen legislative days shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

The Speaker of the House shall act as Chairman of the Rules Committee. The Majority Floor Leader of the House shall act

for the Rules Committee in calling from the Orders of the Day any bills or resolutions and shall be recognized by the Speaker for said purpose during all times that the Rules Committee is in charge.

Rule 39. Committee on Conference. When a House bill has been amended in the Senate and the House refuses to concur in said amendment, or when a Senate bill has been amended in the House and the Senate refuses to concur in said amendment, and when neither will recede from such action, the Committee on Committees shall appoint a Committee on Conference to meet a like committee from the Senate. The Committee on Conference shall confer with the Senate Committee and report back to the House within a reasonable time, in the same manner as reports are made for House bills. The conference report shall be voted upon, and, if adopted the bill shall immediately be put upon its final passage.

Rule 40. Appointment of Committees. The Committee on Committees shall appoint the Chairman, Vice Chairman and the members of all standing and special committees and shall fill any vacancies thereon. The Committee on Committees shall select Members distributed as equally as possible from among Congressional districts, and in proportion to the representation of each political party in the House. The Vice Chairman shall act in the absence of the Chairman. The Chairman of any committee may appoint subcommittees to conduct hearings or study any matters which have been referred to the committee.

Rule 41. Meetings of Committees. No committee except the Committee on Enrollment and a Committee on Conference between the House and Senate shall sit while the House is in session, unless by consent of the House. The Committee on Committees and Committee on Enrollment may report at any time except during roll call or while a vote is being taken.

The Committee on Committees may schedule a definite time and place for the regular weekly meetings of each committee, such schedule to be posted in the House Chamber and published in the Legislative Record. A committee shall meet at the regular weekly scheduled time and place so long as business is pending before the committee. Nothing herein shall prevent the Chair-

man or a majority of any committee from calling a special committee meeting in addition to those regularly scheduled.

The Committee on Committees shall meet on call of the Speaker, or on call of the Speaker Pro Tempore, or on call of a majority of the members of the Committee on Committees.

Rule 42. Committee Reports. Every committee shall report the disposition of every bill and resolution referred to it as promptly as possible. Upon the call of standing committees, the Clerk or the Chairman or ranking member of the committee may report the bill in the following manner:

"With the expression of opinion that the same should pass,"
or

"With the expression of opinion that the same should pass, with the committee amendment attached thereto," or

"With the expression of opinion that the same should pass, with the committee substitute attached thereto," or

"With the expression of opinion that the same should not pass," or

"Without expression of opinion."

Rule 43. Majority and Minority Reports. It shall require a majority of the committee membership to report a bill. Those members of the committee voting to report a bill must sign the committee report and the committee report shall only be signed in the committee room and while the committee is in session.

A committee report may be accompanied by a minority report, signed by those Members who have dissented from the committee's report, and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. It shall require a majority of the Members elected to adopt the minority report. The committee's report shall always be read before the minority report is read.

Rule 44. Failure to Report. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any Member and considered as

if it had been regularly reported if a majority of Members elected to the House concur therein.

Rule 45. Procedure in Committee. The rules of procedure in the House shall be observed in Committee insofar as the same are applicable.

## BILLS AND RESOLUTIONS

Rule 46. Form of Bills. All bills shall be typewritten, with one original and four distinctly legible copies. The original shall be the official bill, and shall be retained by the Clerk for the use of the House until engrossed and sent to the Senate. One copy shall be used by committees; one copy shall be for the use of the press and shall be given to a person designated by the Press Club; and two copies shall be given to the Legislative Research Commission. Each copy shall be backed with a protective cover, as provided for this purpose by the Legislative Research Commission. The title of the bill, or a portion thereof, and the signature of the Member introducing the bill shall be placed on each cover.

In all bills introduced, which seek to amend existing sections of the *Kentucky Revised Statutes,* any new matter contained therein shall be underscored, and when printed the matter so underscored shall be printed in italics; and when an amendment is made by the omission or elimination of matter in an existing law, the author shall indicate such omission by placing the material proposed to be eliminated in brackets, and the printer shall insert such brackets on the printed copy. The Committee on Committees shall refer to the Legislative Research Commission any bills not conforming with this format for revision as to form.

Rule 47. Introduction of Bills. Bills and resolutions may be introduced by filing them in the Clerk's office at any time that his office is open. Bills and resolutions introduced by filing them in the Clerk's office after the House has concluded Item 10, in Rule 4, Order of Business shall be considered as having been introduced the next succeeding legislative day. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Committee on Committees for reference to committee.

Rule 48. Reference of Bills. The Committee on Committees shall refer all bills to the proper standing committee not later than the second day in which the House is in session after the date of introduction. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it may be referred to a committee in the same manner as original bills are referred. Bills originating in and passed by the Senate when reported to the House shall be referred to the Committee on Committees and shall take the same course as other bills.

Rule 49. Printing of Bills. Upon receipt of a bill, the Legislative Research Commission shall examine the form of the bill to ensure that it is free from errors of form or typography. If a formal change is necessary the Committee shall request the sponsor of the bill to sign a form approving the specified changes. If a bill is found to be correct, or corrections have been approved, the Commission shall authorize its printing.

The Legislative Research Commission shall have printed at least two hundred copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law acted on by the Senate and reported to the House. Bills shall be printed in the order in which they are introduced and shall be distributed to Members immediately upon receipt from the printer.

Rule 50. Readings of Bills. If a bill be reported with the expression of opinion that it should not pass, or without expression of opinion, a vote may then be taken on whether it shall be read at length and be placed on the Calendar, if a majority of the Members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the Calendar to be kept by him, and shall then be entitled to its second reading the next succeeding legislative day.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with by a majority of all the Members elected to the House and the bill read by its title.

Rule 51. Calendar. The Clerk shall keep a Calendar for each legislative day of the session showing the bills entitled to a second reading upon that day and shall post conspicuously the number of all bills recommended for said Calendar by the Rules Committee and the number of all bills placed in said Calendar by the Committee of the Whole House.

Bills or resolutions authorizing suits or claims against the Commonwealth shall automatically be placed upon a separate Calendar to be made a special order of business at a time ordered by the House.

Rule 52. Orders of the Day. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, or to be read a third time and placed upon its passage, and the Speaker shall so announce to the House.

A bill may be recommitted or amended at any time before its passage. Bills shall be placed in the Orders of the Day in the order in which they have been given their second reading, and shall be taken therefrom in that order, unless otherwise ordered by a majority of Members elected. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute an identical Senate bill which is in the Orders of the Day of the House.

No bill shall be taken from the Orders of the Day unless it shall have been printed and previously distributed to Members.

Rule 53. Final Passage. When a House bill has been amended in the Senate and the House has concurred in the amendment, the bill as amended shall immediately be placed upon its passage.

Rule 54. Amendments to Bills. All amendments offered shall be on sheets with a proper heading printed in black, furnished by the Clerk, and shall bear the signature of the Members offering the same. All amendments shall give the proper page and line of the printed bill. Two copies of each amendment shall be introduced and the Clerk shall forward one copy to the Legislative Research Commission. No amendment shall be in order that is not germane to the matter under consideration; and the

Speaker, when the question is raised, shall rule as to the advisability of the proposed amendment, subject to appeal to the House.

Rule 55. Engrossment of Bills. Every House bill and joint resolution, together with the amendments thereto, which has been passed by the House and not subject to further amendment or motion, shall be engrossed by the Clerk and so certified by him endorsing thereon the day of passage or adoption. The bill shall be delivered to the Senate in open session by the Clerk or someone designated by him, and Senate concurrence asked therein. A like procedure shall be observed toward Senate bills.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be stricken out, in such a way as not to render illegible the original words.

Rule 56. Enrollment of Bills. All House bills and resolutions which have passed both the Senate and the House shall be delivered by the House Clerk to the Enrolling Clerk, taking a receipt therefor, in the order in which passed. The House Clerk shall keep the number and title of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate in a suitable record book attesting the fact and date of passage.

In the event a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, the Clerk of the House shall engross said amendments in the original copy of the House bill, attesting the same, before delivering the bill to the Enrolling Clerk of the House. The Enrolling Clerk shall then cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the Senate to conform to each other by typing in indelible typewriter ink or by writing in red ink the amendments engrossed in the original bill in the safety copy. In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution by typing the same on safety paper or by enrolling the same in longhand.

The original bill or resolution and a printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and delivered to the Committee on Enrollment. The Committee on Enrollment and the Enrolling Clerk shall jointly compare the original bill with the enrolled copy, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House. If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled and delivered to the Committee on Enrollment as is first provided herein.

Rule 57. Signing of Bills. The Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions signed by the Speaker to the Chairman of the Enrollment Committee of the Senate for presentation to the President of the Senate for his signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall present the enrolled bill or resolution to the Governor for his approval and take his receipt for same.

Rule 58. Resolutions. Resolutions having the force and effect of law shall be treated and considered as bills in all respects under these rules.

## VOTING

Rule 59. Roll Call. Any Member, with a second, may demand a roll call on any matter pending before the House. The names of Members shall be arranged alphabetically when taking a yea and nay vote.

Any time these rules require a roll call vote, or a yea and a nay vote of the Members, such vote may be taken by either a voice roll call or the electrical voting system, as ordered by the Speaker.

Rule 60. Electrical Voting System. When the House is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the Speaker shall announce:

"The question is on the passage of (designating the matter

to be voted upon). All in favor of such question shall vote 'yea,' and all opposed shall vote 'nay.' The House roll is now open for voting."

The Speaker shall recognize any Member who rises for the purpose of explaining his vote. No Member shall be allowed to speak more than three minutes to explain his vote, and shall not speak at all if the question is not a debatable question.

When sufficient time has been allowed the Member to vote and to explain their vote, the Speaker shall announce: "Have all voted?" "Does anyone desire to change his vote?" And after a sufficient pause shall say: "The Clerk shall proceed to record the vote."

The Clerk shall immediately start the recording equipment, and when completely recorded, shall present the result to the Speaker who shall announce same to the House. The Clerk shall enter upon the Journal the result in the manner provided by the rules of the House.

At the same time the vote is recorded by the electric recording equipment an original and five duplicate roll call sheets shall be made showing the vote, two of which duplicates shall be for the use of the press, and one copy shall be furnished to the Legislative Research Commission.

Rule 61. Voting for Others Prohibited. No Member shall vote for another Member, nor shall any person not a Member cast a vote for a Member. In addition to such penalties as may be prescribed by law, any Member who shall vote or attempt to vote for another Member may be furnished in such manner as the House may determine. If a person not a Member shall vote or attempt to vote for any Member he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

Rule 62. Pairing. All pairs announced in the House shall be entered on the Journal.

Rule 63. Adjournment Extended During Roll Call. When the roll is being called in taking a yea and nay vote, and the

hour of an adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the result announced.

## PRIVILEGE OF THE FLOOR

Rule 64. Persons Entitled to the Floor. No person shall be permitted upon the floor of the House when in session and one half an hour before and after the House is in session except the present Members of the General Assembly and all officers and employees of the General Assembly. Bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the floor when recommended by the Speaker and shall be governed by the rules of the House and assigned by the Speaker to a press section specifically set aside for them.

A special section of the gallery shall be reserved for the families and guests of Members, who shall be admitted upon presentation of an identification card. Other persons shall be admitted to that part of the galleries not reserved for Members' families. Members may submit the names of guests to the Clerk, who shall read the names to the House. Members shall not introduce guests from the floor.

Rule 65. Lobbying in the House Chambers. No person shall engage in lobbying for or against any measure while the House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter that part of the Capitol while the House is in session. This rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

Rule 66. Restrictions. No article, booklet, pamphlet or any other printed matter shall be placed upon the desk of any Member unless said article, booklet, pamphlet or other printed matter contains the signature of the author, or the party interested in the distribution thereof is clearly identified. The Sergeant-at-Arms shall be charged with the duty of enforcing this rule.

## RULES

Rule 67. Robert's Rules. In the absence of a specific rule of the House, *Robert's Rules of Order* shall govern the proceedings, except that in all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all the Members elected thereto.

Rule 68. Change of Rules. The rules of the House, after their adoption shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the Membrs elected to the House. Whenever the rules are suspended, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

Representative John Y. Brown moved the adoption of **HR 1.**

On the roll call the vote was yeas 61—Allen, Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, Denham, Hale, Hardin, Harris, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Sheehan, Siemens, Smith, Smothers, Straney, Tucker, Watkins, Webster, Wells, Whitlock, Young. Nays 34—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, McIntyre, Peace, Riddle, Russell, Secrest, Short, Stuart, Vanover, Wallace, Warders, Wheeler, White, Wright.

**HR 1** was passed and the title agreed to.

Representative Blythe appealed the Chair.

The Speaker ruled Representative Blythe out of order.

**HR 2,** by Representative John Y. Brown: A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative John Y. Brown moved the adoption of **HR 2.** Agreed.

The Speaker appointed Representatives Caldwell, Osborn, Watkins, and Bondurant as a Committee of the House to wait upon the Senate and the Governor.

**HR 3,** by Representative John Y. Brown: A RESOLUTION extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Sergeant-at-Arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Representative John Y. Brown moved the adoption of **HR 3.** Agreed.

Representative Webster moved that the rules be suspended. Agreed.

Representative Webster nominated for Speaker Pro Tempore Representative Mitchel Denham. The nomination was seconded by Representative DeMarcus. Representative Dempsey moved the nominations cease.

Representative Mitchel Denham was elected to Speaker Pro Tempore by unanimous vote.

### Introduction of Bills and Resolutions

**HR 4**, by Representative John Y. Brown: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

### Reference of Bills and Resolutions

The Speaker referred **HR 4** to the Committee on Committees.

### Appointment of Committees

The Clerk read a report of the Committee on Committees appointing the following:

**APPROPRIATIONS**

Mitchel B. Denham, Chairman
James Bondurant, Vice-Chairman

Paul Allen
R. E. Hale
Alex McIntyre
L. T. Peniston
Franklin Webster
John E. White

**KY. STATUTES #1**

Shelby McCallum, Chairman

James Bondurant
John Y. Brown
Mitchel B. Denham
L. T. Peniston

**KY. STATUTES #2**

Julian Carroll, Chairman

Ralph Bates
Gether Irick
Stuart Kelly
Paul Young

### Recess

Representative John Y. Brown moved that the House recess until 7 p.m., the time appointed for the Governor to address a Joint Session of the General Assembly. Agreed.

At the appointed hour, the Speaker resumed the Chair.

Representative Bondurant administered the oath of office to Chief Clerk Troy B. Sturgill and Assistant Clerk Alvin Kidwell.

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House.

Representative John Y. Brown moved that the House resolve itself into a Committee of the Whole to go into Joint Session. Agreed.

**Joint Session**

The Speaker vacated the Chair, whereupon the Honorable Harry Lee Waterfield, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by Reverend John C. Chenault of the First Christian Church, Frankfort.

The Committee appointed to wait upon the Governor appeared with His Excellency, Edward T. Breathitt, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:

LIEUTENANT GOVERNOR WATERFIELD,
MRS. WATERFIELD,
MEMBERS OF THE GENERAL ASSEMBLY,
LADIES AND GENTLEMEN:

Tonight I come to you in a mood of both confidence and concern—confidence in reporting to you that never in the history of this Commonwealth has the path of our progress been so true, the future of our Commonwealth so bright, the economy of our Commonwealth so vigorous or the state of our Commonwealth so sound.

But confidence is not enough. Confidence without concern is a mental Lotus-land, where we grow deaf to the urgency of our unfinished business. Concern for that unfinished business is the dominant and pervasive theme of this occasion. Tonight you and

I must join forces to establish new goals, take new measures and mark new milestones in a partnership for progress.

Two years ago on this very spot I spoke in a similar vein. I proclaimed to this honorable body that the people of Kentucky did not choose me as their governor to preside over a standstill government or a caretaker administration. Tonight I say to you as I said then that there are no rest stops on the road to progress—and we have not rested.

As we proceed tonight to chart our compass for a voyage of further advancement, I think it both fair and helpful that we recognize the accomplishments—yes, the dramatic and unexcelled accomplishments—which vigorous leadership has brought to Kentucky during the past two years. We have unfinished business, we have serious problems, we have heavy responsibilities. All this you and I recognize fully. But let me make it clear that I do not come to apologize for, to extenuate or to obscure the record of the past two years—but rather to proclaim that record and to build upon it.

That record is already a part of Kentucky's experience and Kentucky's history. This is not the occasion to expound it in detail, but merely to summarize it with the broadest stroke:

**The growth of our economy**—more than a quarter of a billion dollars invested in new and expanded industry; our four-year goal of 75,000 new jobs more than met in less than two years; a more than 14 percent increase in personal income; and unemployment at the lowest level since records have been kept; agricultural production and the per capita increase of farm income at an all-time high.

**In the education of our children**—a substantial reduction in our high-school dropout rate; an increase of more than 5,000 high school graduates in a single year; more than 2,800 new and modern classrooms constructed and under contract; teachers' salaries up approximately $500.00; nearly 50 percent of our college-age youth in institutions of higher learning; 1/3 of our first grade children graduates of the Head-Start Program; a solution for the school crisis in Louisville and Jefferson County; and a greater percentage increase in state appropriation for public education than any state in the nation during the past decade.

**In the construction of a modern highway system**—completion of the Blue Grass Parkway; construction of more than 145 miles of superhighways; commencement of the Appalachian Program including quick-start contracts to begin completion of the East Kentucky road system; improvement of 2,500 miles of additional roads, most of them farm-to-market and secondary arteries.

**In meeting human needs and in building a happier, healthier Commonwealth**—construction of 55 new hospitals; revamping our penal system with emphasis on rehabilitation rather than punishment, and the establishment of a professional career service in these institutions; the vocational rehabilitation of more than 4,000 handicapped Kentuckians.

These are not all the monuments for progress to which we could point, but they are enough to prove that the covenant between the General Assembly and this Governor made two years ago has pointed the way to the rest of the journey.

Tonight I shall outline to you our budget for the next biennium—a balanced budget, a prudent budget, a budgetary blueprint for further greatness in Kentucky. And a budget which calls for no new taxes.

Two years ago I submitted to this body a budget calling for biennial expenditures of $1.4 billion. The General Assembly accepted and approved that budget, demonstrating then its faith in the sincerity and accuracy of the executive branch of your state government. I told you, and my advisers told you that our estimates of the revenue were responsible and realistic, and that we could achieve growth and progress without adding to the burden of Kentucky's taxpayers and without fiscal deficits.

There were those who told the 1964 General Assembly that the 1964 Budget was unreasonable, fantastic and irresponsible, and that our revenue estimates were politically padded. Tonight I am here to tell you that history has already proved us to have been right and our critics to have been wrong. Revenues have exceeded our estimates and our state has prospered even beyond what we thought she could do. The budget which I offer for your consideration tonight for the coming biennium is a two-billion-dollar-budget—a big budget for a big state.

It makes possible a substantial increase in the financing of many of our important governmental programs. It is both an indication of Kentucky's growth and an investment in Kentucky's growth. It will make possible better lives and better living for our people. But it is a careful budget, a well-planned budget, a budget designed to give priority to those things which are most vital to the growth and the vitality of an expanding Commonwealth.

Those who prepared this budget did not do so on a haphazard or scattergun basis. They did not simply look at the revenue estimates and then devise a plan to scatter dollars like confetti to a joyful populace. If the resources had been available, it would have been possible to spend three billion dollars or perhaps even four billion on the activities of your state government without fundamental waste and without unduly pampering needed programs.

This is not the way government operates. We are limited by the revenues which are available from our existing tax structures, because we are pledged not to impose new or increased taxes during this administration. Our problem, therefore, is to allocate limited resources to those activities which are most essential and which will provide the biggest dividends in progress for our people.

Let me assure you, as one who has sat through countless hours of budget hearings and who has worn out many lead pencils in this difficult task, that the decisions involved in the budget-making process are hard and painful; and that it is simply not possible to divert all of our limited resources to any one or two of our vital programs.

Take education, for example. There is little doubt that, if the money were available, we could justify increases in funds and education well beyond those which are contained in the proposed budget. But we could not ignore the needs of our old people, our sick people and those suffering from mental illness. Likewise I have no doubt that we could, without undue generosity, provide increases in old-age pensions larger than those which we have recommended in this budget. But we could not ignore the needs of education. What we have tried to do is to make the best

possible allocation of available funds in the light of all of our most important needs.

We have not proposed to spend more than the existing revenues will provide. Neither have we left any cushion byond that which prudence always dictates to avoid the danger of a deficit. Thus, I must point out to those who might be tempted to expand any one item in this budget that you can do so only at the expense of some other item or by the imposition of new or increased taxes. This budget contains no fat to be trimmed.

Having spoken in this cautious vein, I hasten to assure you that the proposed budget does provide for the expansion and the fuller financing of all our basic and essential programs. It is not a standstill budget. It is not a mark-time budget. It is a budget for progress, for growth—but for balanced progress and balanced growth.

I have said many times that education is the pass-key to progress for Kentucky, both now and in the future. We have given it first place in our thinking and in our recommendations.

First, a substantial increase in teachers' salaries: $400.00 per classroom unit over the biennium; $200.00 for the first year and an additional $200.00 for the second. This marks a notable addition to the $500.00 salary increases which I pledged as a candidate in 1963. When added to the $500.00 increase voted in 1964, it marks a total increase of $900.00 in basic salaries during this administration, the second largest increase in any four-year period in the history of the Commonwealth, and the largest increase ever granted without new or higher taxes.

We also propose to place in operation a statewide educational television network during 1968; to accelerate rapidly our present vocational education program; to build 20 new vocational schools, to expand eight existing schools and to relocate five others. This is a vital investment in job opportunities for both young people and adults, for Kentuckians of all races in the war against poverty and inequality.

We have recommended 110 additional classroom units for exceptional children, most all of them are for the mentally retarded which will provide facilities for 1,650 additional children;

conversion of the Lincoln Institute into a secondary school for gifted youth so that the ablest young people shall not be barred from the fullest attainment by poverty; better salaries and more teachers at our School for the Blind and our School for the Deaf.

The dramatic increase in enrollments in our state-supported institutions of higher learning presents us with a great challenge and great opportunity. We have recommended an increase of approximately $45 million for higher education—including our university, our five state colleges and our community colleges. This represents an increase in funds for higher education of 49 percent and, when taken in connection with the increase made in the last budget, represents an expansion of 120 percent, by far the largest increase in any four-year period.

Enrollments are expanding far more rapidly in our institutions of higher learning than in our elementary and secondary schools. We anticipate an increase of nearly 30 percent in the number of students at our state-supported colleges and universities through the next two years. Consequently, large increases and appropriations are necessary merely to provide facilities and personnel for expanded enrollment.

We propose three new community colleges: in the Hazard-Blackey Area, in Maysville, and in Jefferson County, thus giving evidence of our purpose and goal of bringing this type of education within the reach of an ever greater number of our young people and a greater number of communities. We recommend a scholarship program to supplement the federal program so that more students will be able to further their education.

Kentucky's highway program for the next biennium will total more than $500 million for the first time in history. We shall move on to complete the interstate system; to carry out the Appalachian Program; to meet the regular federal-aid highway matching funds, and to improve more than 2,000 miles of important rural and secondary roads. In addition, we plan construction of two new toll roads: the Jackson Purchase Parkway and the Pennyrile Parkway.

During the coming biennium we anticipate a gradual substantial increase in revenue for the road fund from existing sources. Our construction program alone will exceed $300 mil-

lion; the costs of maintaining our highways will exceed $50 million, all provided from state funds. Nearly $69 million will be spent on rural, secondary and county road-aid programs. Our highway program is not only an important contribution to the comfort and convenience of our citizens, but an indispensable tool in economic, industrial and agricultural development, providing access to our communities for new industries, additional mobility for our labor force and better markets for the products of our farms.

In the preparation of this budget, we have not been deaf to the call of human needs—our senior citizens, the mentally ill, our retarded children, the blind, the sick and those imprisoned by poverty.

We intend to increase old-age pensions by an average between four and six dollars per month—two dollars of which will begin with the checks for this month and the remainder of which will commence on July 1, 1966. State funds should be provided to implement fully the 1965 Medicare Program so that an additional 60,000 Kentucky senior citizens may qualify for participation in it. And we intend to broaden Medicare services to include cost-of-care by physicians in hospitals, for x-ray services and to expand the Kerr-Mills Program. We are proposing increases in the monthly payments for the blind and the totally disabled similar to those recommended for old-age pensions.

Likewise, the budget will expand the Food Stamp Program to include 39 counties—24 in addition to the 15 counties where the plan is now in operation. When the expanded proposal is in full operation, the Food Stamp Plan, financed largely with federal funds, would buy groceries worth $13 million per year. We also propose to extend the program for unemployed parents to include 39 counties—an additional 20 counties added to the 19 where the program is now in effect. This program also is financed almost entirely by federal funds.

In the vital field of public health, we are recommending increased appropriations to permit over 40,000 tests designed to detect cancer in its early stages among women who are unable to pay for such tests; to expand tuberculosis skin tests for 440,000

persons; and to expand activities in protecting our people against water pollution and air pollution.

In the field of Mental Health, we are recommending an increase of 27 percent over the sum budgeted by the 1964 General Assembly—the largest appropriation for Mental Health in the history of our Commonwealth. This will make it possible for us to establish and operate 20 new centers for the mentally ill, permitting many hundreds of patients suffering from mental illness to remain at home and receive treatment from their own communities. We are also providing funds for two small residential units for retarded children in Jefferson County; to hire new psychiatrists for our state mental hospitals; and to improve the care for all patients in our institutions assisting the mentally ill.

We are also recommending bigger appropriations for the Department of Public Safety: to start a 10-year program for 500 additional troopers, adding 50 during the coming fiscal year and another 50 in the second year of the biennium; to increase beginning salaries for troopers to $415.00 per month; and to put radio operators on a five-day week.

Our correctional programs must also be upgraded. We must add to the professional staff of our institutions; put our correctional officers on a five-day week; increase the number of probation and parole oficers; open a new forestry camp; a new farm dormitory at LaGrange, and another at Eddyville.

In the area of Child Welfare, funds are provided to increase the number of placements in foster homes by 250. Funds are also recommended for activating a new camp for boys and a new camp for girls.

Construction costs for park facilities total an estimated $12 million dollars. Funds also are provided to staff two new parks and accelerate tourist and industrial promotion. Funds for all these proposals are recommended in the budget.

This is but a summary of the high spots in our proposed budget. I am submitting to you at the same time a more extended discussion which we call the "Budget in Brief." It explains in some detail the contents of the executive budget which

I am also submitting, and in turn which forms the basis of the biennial appropriation bill which will be introduced tonight.

In addition to the budget there are some legislative matters which are so important that I must discuss them with you briefly at this time.

Throughout the nation there is a growing awareness of the priceless value of our natural resources—the earth and its waters, its minerals and vegetation and scenery. Just as Kentucky is second to no state in the richness of its earth, so must we be second to none in our concern for it and protection of it. We are fortunate in having a strong foundation of conservation laws on which to build, and I will ask you to strengthen these with significant but carefully-designed new approaches to the old problems of conservation.

Foremost among the matters requiring your consideration is that of strip-mine regulation. Experience over the past two years has shown that, despite the most conscientious and energetic efforts at enforcement, our present laws are not adequate to protect the people or their land and to deal fairly with the coal industry. I want, and I know you want the coal industry, like all industries, to flourish in Kentucky. But people deserve protection from the adverse effects of any industry, just as the owners of industry deserve fair, clear and consistent regulation, and I assure you that the bill I shall propose to you will be as strict but as fair as any in the United States.

It will protect a man's rights upon his own land. It will require restoration to useful surface of land disturbed by area stripping, and the terracing of cuts made by contour stripping. And it will require of operators no measure not demanded by other states where operators have complied without going out of business.

Aside from the regulation of strip mining, I will ask you to create a Water Resources Authority, which will insure an adequate supply of clean water for our growing population and industrial complex. I hope you will tighten our anti-litter laws to make it illegal to dump trash and litter not only on roadways but in waterways and on all lands, public or private, not designated for that purpose.

I will also propose to you a bill regulating access roads used in logging operations, in order to make our access-road regulations uniform for all industries. And I will ask you to effect changes in our present laws to make Kentucky conform with provisions of the Interstate Compact on Strip Mining which I have championed, specifically those provisions dealing with surface disturbance.

Let me repeat: It is not the intention of this administration to put any industry out of business, or deprive our people of jobs. On the contrary it is the purpose of this legislation to create jobs and job opportunities, and to avert disasters which have blighted the economies of regions where natural resources were not protected. Jobs need not be created at the expense of the earth which holds the key to today's prosperity and tomorrow's promise, nor should they be used as an excuse for men who would ravage our hills, spoil our streams, and dim Kentucky's bright legacy of natural beauty.

Now finally, I am compelled to state to you my conviction that all of our programs, all the activities of our government, all the aims of our public policy are based upon the fundamental proposition that all men—black, white, brown, or yellow—must stand equal under God and the law. We mock the fatherhood of God and the brotherhood of man, we scorn the Declaration of Independence and the Constitution of the United States, we compromise the position of our nation and our state before the world and we belie all the prompting of our consciences so long as our fellow citizens are subject to humiliation, discrimination and economic or social penalties based on color.

The Congress of the United States in 1964 enacted federal legislation. The Civil Rights Act of 1964 makes it possible for the states, by enacting laws of their own to participate in the enforcement of federal policy. This alone would justify the enactment of state legislation.

However, there are additional and important reasons which impel me to recommend the passage of a state civil rights law. Certain types of public accommodations in which many of our citizens suffer from discrimination are not governed by the federal statutes. Similarly, the limitations contained in the fair employ-

ment provisions of the federal law deprive a large number of Kentuckians of its protection.

I feel strongly that we should fill both these gaps in the Civil Rights Act of 1964 by the passage of state legislation based upon the same fundamental principles as the federal law by extending additional protection to our fellow Kentuckians.

There is now, I believe a general and widespread acceptance of the basic philosophy of the Civil Rights Act of 1964 and of the moral imperative which undergirded it. So as long as the states fail to meet their responsibility in this field, there will be ever increasing determination for more and stronger federal intervention.

I feel, and feel most deeply, that it is time for us in Kentucky to meet our responsibilities, and to let each one of our fellow Kentuckians feel no doubt that we accept him fully and freely as a citizen of this Commonwealth not because of or in spite of the color of his skin, but because he is a human being entitled to all the fullness of humanity.

There will be introduced tonight a Civil Rights Act, a bill for the better control of strip and auger mining and a budget bill. I urge upon you immediate consideration of all three. Additional legislation will be offered shortly dealing with many other needs, and I may from time to time communicate with you with regard to such measures, including the elimination of gambling on pinball machines, the inspection of motor vehicles to protect the public safety, more adequate provisions for unemployment compensation, the reform of our bail-bond system, the strengthening of our insurance laws, the revision of our Constitution, the modernization of our election and campaign practices, as well as other matters.

We have much work to do. Our unfinished business is big business and cannot be dealt with easily or lightly. We can reach our goals only by cooperative effort. We have a joint responsibility which we must jointly discharge. Since I last sat where you are now sitting, 10 years ago, I have watched the legislative branch of our government with pride and appreciation. The quality of its membership and the quality of its work

have steadily improved. The people of this Commonwealth have a right to be proud and they are proud of the manner in which their senators and representatives have contributed, especially during the recent decade, to the extension of the frontiers of Kentucky's progress in all aspects of government.

It is both the difficulty and the glory of progress that it never stops, that its goals are always incomplete, that those who work forward are never allowed to be at ease in Zion. The more we do the more there is left for us to do. The more successfully we struggle, the more we are involved in newly and ever more complex struggles to realize the promise of a future which we can sometimes perceive only in a dim and uncertain light.

Because those who have sat in your seats, and those who have stood in my place have accepted those challenges in past years, we have moved ahead in this Commonwealth and we are moving steadily ahead today. Let us tonight rededicate ourselves to the spirit which has made possible the gains of the past, the gains of the present and which will open the door to a future which will make our children and those who come after them rejoice that we were given a part in the march of Kentucky's progress.

Representative John Y. Brown moved that the Joint Session be dissolved. Agreed.

The Speaker resumed the Chair and called the House to order.

**Introduction of Bills and Resolutions** (continued)

**HB 1,** By Representative John Y. Brown: AN ACT relating to appropriations for the operation, maintenance, support, and functioning of the government of the Commonwealth of Kentucky.

**Announcement**

Representative Denham announced a Public Hearing on **HB 1,** at 9 a.m., Wednesday, January 5, 1966.

**Introduction of Bills and Resolutions** (continued)

**HB 2,** by Representatives John Y. Brown, Blume, Siemens,

Warders, Ballenger, Smothers, Smith, John D. Miller, Ball, McIntyre, Caldwell, Harper, James E. Hunt, Brady, Allen, Pile, Martin, Chapman, Stuart, Eicher, Blythe, Hardin and Keene: AN ACT to prevent discrimination in employment and public accommodations within the Commonwealth of Kentucky.

**HB 3,** by Representative Stuart: AN ACT changing the classification of the City of Beechwood Village, in Jefferson County.

**Recess**

The Speaker called a recess for a meeting of the Committee on Committees.

The Speaker resumed the Chair.

**Introduction of Bills and Resolutions** (continued)

**HB 4,** by Representative Stuart: AN ACT changing the classification of the City of Plantation, in Jefferson County.

**HB 5,** by Representatives DeMarcus, Hoe, White, Dempsey, Floyd, Secrest, Bicknell, W. J. Reynolds, McNamara, and Vanover: AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

**HB 6,** by Representatives Hinkle and Osborn: AN ACT relating to education benefits for the children of certain deceased or permanently and totally disabled war veterans.

**HB 7,** by Representatives McNamara and Hinkle: AN ACT relating to primary elections.

**Reference of Bills and Resolutions**

The Committee on Committees referred **HB 1** to the Committee on Appropriations.

The Committee on Committees referred **HB 2** to Kentucky Statutes #1.

Representative Denham repeated the call for a public Hearing on **HB 1.** He announced the hour was changed to 10 a.m., January 5, 1966.

Representative John Y. Brown moved that the House adjourn until 1 p.m., Wednesday, January 5, 1966. Agreed.

## WEDNESDAY, JANUARY 5, 1966

## SECOND LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend J. Carter Roberts of the Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Chaudoin, Harris, and Stuart.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 4, 1966, be dispensed with and the same approved. Agreed.

### Recess

Representative John Y. Brown moved that the House recess. Agreed.

The Speaker resumed the Chair and called the House to order.

The Minority Leader, Representative James M. Caldwell, was granted the privilege to deliver an address concerning the minority legislative program and to comment on the State of the Commonwealth address, by the Governor, of the night before.

Representative Fred Morgan, representing the Majority Party, made comments upon the Minority Leader's address.

### Motions, Petitions, and Communications

**HR 7**, by Representatives Overman, Ostertag, and Murphy:

A CONCURRENT RESOLUTION commemorating the late Charles B. Truesdell.

WHEREAS, the recent death of Charles B. Truesdell has caused Kentucky the loss of an outstanding and memorable public servant who served in the House of Representatives in the 1920, 1922 and 1930 sessions and in the Senate in the 1924 and 1926 sessions; and

WHEREAS, legislation sponsored by Mr. Truesdell included such important and indispensable legislation as the act requiring registration of nurses, the original police and firemen pension fund act and the act which established a state parks commission in 1924, of which he was co-author;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the House of Representatives and the Senate of the General Assembly pause in silent tribute for one minute on Wednesday, January 5, 1966.

Section 2. That this resolution commemorating Mr. Truesdell be recorded for all posterity in the journals of the General Assembly and that copies of this resolution be sent to Mr. Truesdell's daughter and his sister and brothers.

Section 3. That when the General Assembly adjourns on Wednesday, January 5, 1966, it adjourn out of respect and in tribute to the late Senator Charles B. Truesdell.

Representative Overman moved the adoption of **HR 7.** Agreed.

## Report of Committees

The Committee on Appropriations reported **HB 1** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 1,** AN ACT relating to appropriations for the operation, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

## PART ONE

## GENERAL FUND

There is appropriated out of the General Expenditure Fund for the fiscal year ended June 30, 1966, and, including any unappropriated surplus to the General Expenditure Fund as of June 30, 1966, for the fiscal year beginning July 1, 1966, and ending June 30, 1967, and, including any unappropriated surplus to the General Expenditure Fund as of June 30, 1967, for the fiscal year beginning July 1, 1967, and ending June 30, 1968, the following sums for the following officers, departments, boards, commissions, institutions, subdivisions, and agencies of the state government, and any and all other activities of the government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part One listed as follows:

### I. GENERAL GOVERNMENT

### 1. LEGISLATIVE

A. *Legislative Sessions.*

1966-67 ----------$ 30,000
1967-68 ----------$850,000

B. *Legislative Research Commission.*

1966-67 ----------$405,025
1967-68 ----------$424,179

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

C. *Legislative Journals and Acts.* For preparing, indexing, editing, and printing the Journals and Acts of the General Assembly.

1966-67 ----------$ 25,000
1967-68 ----------$ 15,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

D. *Statute Revision—Printing Revolving Fund.* For revision and republication of the Kentucky Revised Statutes.

1966-67 ..... $175,000

The Commissioner of Finance is authorized to transfer $15,000 from the 1965-66 appropriation for the Legislative Research Commission to defray the cost of printing a 1964-66 interim supplement to the Kentucky Revised Statutes.

E. *Speaker of House of Representatives.* For salaries and expense of the Office of Speaker of House of Representatives.

1966-67 ..... $ 10,000
1967-68 ..... $ 10,000

F. *Constitution Revision Assembly.*

1966-67 ..... $ 25,000
1967-68 ..... $ 25,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

G. *Council of State Governments.*

1966-67 ..... $ 12,000
1967-68 ..... $ 14,000

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TOTAL—LEGISLATIVE

1966-67 ..... $ 682,025
1967-68 ..... $1,338,179

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## 2. JUDICIARY

A. *Court of Appeals.*

1966-67 ..... $ 444,280
1967-68 ..... $ 452,625

B. *State Law Library.* For recurring operating expenses and the purchase from the Legislative Research Commission of copies of the Official Statutes of Kentucky, and Annotations thereto, codes of practice and procedure with supplements, and Administrative Regulation compilations in accordance with KRS

57.340, except where the Legislative Research Commission does not publish such material and the Director of the Legislative Research Commission so certifies. In such cases, the State Law Librarian is authorized to purchase said material from commercial sources. Also for the purpose of purchasing bound volumes and advance sheets of the Opinions of the Court of Appeals and furnishing the same for the use of each County Law Library and each Judge of a Circuit Court of continuous session in accordance with KRS 57.320.

1966-67 ..... $ 56,070
1967-68 ..... $ 47,655

C. *Clerk of Court of Appeals.*

1966-67 ..... $ 62,195
1967-68 ..... $ 64,285

D. *Circuit Judges.* For salaries and expenses of Circuit Judges.

1966-67 ..... $1,056,500
1967-68 ..... $1,057,500

E. *Judicial Retirement System.* For complying with the obligations of the state under the Retirement System for Judges and Commissioners of the Court of Appeals, and for Circuit Judges as provided in KRS 21.345 through KRS 21.520.

1966-67 ..... $275,000
1967-68 ..... $300,000

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TOTAL—JUDICIARY

1966-67 ..... $1,894,045
1967-68 ..... $1,922,065

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3. BOARD OF TAX APPEALS

1966-67 ..... $ 57,000
1967-68 ..... $ 57,000

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4. LIEUTENANT GOVERNOR

1966-67 ..... $ 82,000
1967-68 ..... $ 83,000

5. EXECUTIVE DEPARTMENT

A. *Governor's Office.*

1966-67 ..... $481,615
1967-68 ..... $497,430

B. *Area Development Office.*

1966-67 ..... $121,390
1967-68 ..... $186,015

C. *Economic Opportunity Staff.*

1966-67 ..... $ 15,000
1967-68 ..... $ 15,600

TOTAL—EXECUTIVE DEPARTMENT

1966-67 ..... $618,005
1967-68 ..... $699,045

6. DEPARTMENT OF FINANCE

1966-67 ..... $3,332,052
1967-68 ..... $3,630,700

7. DEPARTMENT OF REVENUE

A. *General Operations.*

1966-67 ..... $5,415,580
1967-68 ..... $5,464,210

B. *Reappraisals.*

1966-67 ..... $350,000
1967-68 ..... $250,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

C. *County Tax Commissioners.*

1966-67 ..... $2,137,600
1967-68 ..... $2,235,500

Any expenses in excess of the above amounts, and any expense in excess of $1,973,000 during fiscal year 1965-66, shall be deemed necessary governmental expenses.

TOTAL--DEPARTMENT OF REVENUE
1966-67 ..... $7,903,180
1967-68 ..... $7,949,710

8. DEPARTMENT OF PERSONNEL
1966-67 ..... $376,633
1967-68 ..... $394,797

Notwithstanding the provisions of KRS 18.330, the above appropriation is to be used for the pro-rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for all departments, commissions, boards, or other agencies which receive support from the General Expenditure Fund or Revolving Trust and Agency Funds.

9. STATE AND COUNTY RETIREMENT SYSTEM
1966-67 ..... $ 38,882
1967-68 ..... $ 40,921

10. DEPARTMENT OF LAW
1966-67 ..... $280,020
1967-68 ..... $286,300

11. DEPARTMENT OF PUBLIC INFORMATION
1966-67 ..... $1,280,000
1967-68 ..... $1,320,000

The sum of $125,000 from the appropriation for the 1966-67 fiscal year, and $130,000 for the 1967-68 fiscal year shall be used for the cooperative advertising program the purpose of which is to encourage and assist local governments and agencies in the promotion of community tourist attractions. The department may make matching grants to local governments and agencies for such purpose.

12. SECRETARY OF STATE

A. *General Operations.*
1966-67 ..... $ 97,920
1967-68 ..... $101,090

B. *Paper for Election Ballots.*

1966-67 ..... $ 2,000
1967-68 ..... $ 2,000

TOTAL—SECRETARY OF STATE

1966-67 ..... $ 99,920
1967-68 ..... $103,090

13. TREASURER

1966-67 ..... $257,670
1967-68 ..... $280,270

14. AUDITOR OF PUBLIC ACCOUNTS

1966-67 ..... $176,915
1967-68 ..... $182,115

15. BOARD OF ELECTIONS

1966-67 ..... $405,000
1967-68 ..... $420,000

Any election expenses in excess of the above amounts shall be deemed necessary governmental expenses.

16. HERITAGE COMMISSION

1966-67 ..... $ 14,500
1967-68 ..... $ 14,500

TOTAL—GENERAL GOVERNMENT

1967-68 ..... $18,721,692
1966-67 ..... $17,497,847

## II. EDUCATION

### 17. DEPARTMENT OF EDUCATION

A. *Central Administration.* For central administration of the department and expenses of the State Board of Education.

1966-67 ..... $1,990,864
1967-68 ..... $2,204,031

B. *School Foundation Program.*

| | |
|---|---|
| 1965-66 | $ 4,654,671 |
| 1966-67 | $139,486,040 |
| 1967-68 | $148,142,691 |

The State Board of Education shall not approve any working budget or salary schedule for local boards of education for the school years 1966-67 and 1967-68 in which the total amount budgeted for teachers' salaries is not equal to the amount budgeted for teachers' salaries in 1965-66 plus the additional amount for teachers' salaries and guarantee received by the district under this appropriation. The amount which any district receives under any guarantee provision shall be presumed to be for teachers' salaries and shall be placed in the teachers' salaries budget and allotted to the various teachers' salary ranks in a proportionate manner consistent with KRS 157.390. No working budget or salary schedule shall be approved in which the average salary paid any rank of teacher is not at least equivalent to the allotment for that rank, or in which any teacher is paid less than ninety per cent (90%) of the Foundation Program allotment for that rank, except where there is a decline in local revenue of the district concerned after it has levied the maximum ad valorem property tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

In the event any local board of education contends there has been a decline in local tax resources in that district, the State Board of Education shall certify such contention to the Department of Revenue. Said department shall then determine whether or not there has in fact been a decline in local tax resources of such district, and, if so, the amount of such decline. The Department of Revenue shall then certify its determination to the State Board of Education, and said Board shall accept such certified determination as final.

The allotment to any school district of basic classroom units, pursuant to KRS 157.360 (1), shall not exceed the number of teachers employed by that school district for basic classroom units. Entitlement for basic classroom units obtained in schools or buildings of one classification shall not be allocated to schools

or buildings of another classification. For the purposes of determining such entitlement, classifications shall be as follows:

(1) One-teacher schools;

(2) Schools, other than one-teacher schools, with less than one hundred pupils in average daily attendance; and

(3) Schools, other than one-teacher schools, with more than one hundred pupils in average daily attendance.

Allotments for classroom units pursuant to KRS 157.360 (6) shall only be for those personnel enumerated under said subsection who are qualified for their respective positions under applicable provisions of law and regulations, and who maintain programs which have been approved pursuant to applicable regulations.

Allotments, provision for which is made under this Act, for classroom units pursuant to KRS 157.360 (4) and (5) shall be as follows:

| | 1966-67 | 1967-68 |
|---|---|---|
| Vocational Education | 1078 | 1253 |
| Exceptional Children (Including Mental Retardation) | 550 | 610 |

In the determination of allotments pursuant to KRS 157.360 (2), there shall not be allotted a full classroom unit for any non-isolated one-teacher school with fewer than 27 pupils in average daily attendance, or for any one-teacher school which has fewer than 12 pupils in average daily attendance.

In accordance with the intent of KRS 162.060 and 162.160, no space shall be rented, purchased, or otherwise acquired and thereafter converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board of Education may adopt regulations for the approval on an annual basis of temporary facilities for the housing of school children; provided, however, that no existing room shall be divided by partitions of nonstructural material. No classroom units shall be allotted for a second teacher in the same classroom. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than nine and one-quarter (9¼) scholastic months or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units pursuant to KRS 157.400 and applicable regulations.

Notwithstanding the provisions of KRS 157.400, any undistributed balance in the foundation program fund at the end of the fiscal years 1965-66 and 1966-67 shall lapse to the General Fund. Notwithstanding the provisions of KRS 156.650, no unexpended portions of the foundation program fund shall be expended at any time for the purposes of KRS 156.610 through 156.650.

The total appropriation for the Foundation Program shall be measured by or construed as estimates of the state expenditures required by KRS 157.310, et seq. If the required expenditures exceed these estimates, the Commissioner of Finance, with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the hereinabove cited sections of the Kentucky Revised Statutes; provided, however, that any such increase, or the total appropriation to the Foundation Program, is subject to the provisions of paragraph 7 of Part Four, General Provisions, of this Act, and to the provisions of KRS 45.160.

C. *Free Textbooks.* For the purchase of textbooks in accordance with KRS 157.100, et seq., and applicable regulations.

1966-67 ----------$2,400,000
1967-68 ----------$2,400,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

D. *Out-of-District Children.*

1966-67 ----------$100,000
1967-68 ----------$120,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

E. *Educational Television Debt Service and Testing.*

1967-68 ----------$220,000

F. *Kentucky School for the Blind.*

1966-67 ----------$435,900
1967-68 ----------$449,000

G. *Kentucky School for the Deaf.*

1966-67 ----------$645,000
1967-68 ----------$674,140

H. *Bureau of Rehabilitation Services.*

1966-67 ----------$480,000
1967-68 ----------$550,000

Any unexpended balance not to exceed $10,000 which remains at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

I. *Kentucky Industries for the Blind.*

1966-67 ----------$ 60,000
1967-68 ----------$ 62,000

J. *Vocational Education.*

1966-67 ----------$2,850,000
1967-68 ----------$3,550,000

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TOTAL—DEPARTMENT OF EDUCATION
1965-66 ----------$ 4,654,671
1966-67 ----------$148,447,804
1967-68 ----------$158,371,862

---

18. TEACHERS' RETIREMENT SYSTEM

For administering and complying with the obligations of the state under the Teachers' Retirement Act as provided in KRS 161.220 to 161.710.

1966-67 ----------$12,358,630
1967-68 ----------$13,297,000

19. STATE COMMITTEE FOR SCHOOL DISTRICT AUDITS

1966-67 ..... $ 80,000
1967-68 ..... $ 80,000

20. COUNCIL ON PUBLIC HIGHER EDUCATION

A. *General Administration.*

1966-67 ..... $ 80,485
1967-68 ..... $ 83,800

B. *Southern Regional Education Board.* For participation in the activities of the Southern Regional Educational Board including the Mental Health Council, Veterinary Medicine Program, Forestry Program, Blind and Deaf Teachers Program, Public Health Scholarship Program, and Optometric Scholarship Program.

1966-67 ..... $143,100
1967-68 ..... $158,100

C. *Occupational Qualification Development.*

1966-67 ..... $100,000
1967-68 ..... $120,000

TOTAL—COUNCIL ON PUBLIC HIGHER EDUCATION

1966-67 ..... $323,585
1967-68 ..... $361,900

21. UNIVERSITY OF KENTUCKY

1966-67 ..... $38,552,600
1967-68 ..... $45,552,600

These appropriations include funds for: maintaining community colleges at Ashland, Covington, Henderson, Cumberland and Elizabethtown; maintaining community colleges at Prestonsburg, Hopkinsville, and Somerset; establishing and maintaining a community college in Blackey-Hazard; and establishing and maintaining community colleges in Jefferson County and Mason County.

22. EASTERN KENTUCKY STATE COLLEGE

1966-67 ..... $6,534,936
1967-68 ..... $7,640,755

23. WESTERN KENTUCKY STATE COLLEGE

1966-67 ..... $6,425,811
1967-68 ..... $7,542,597

24. MURRAY STATE COLLEGE

1966-67 ..... $4,777,705
1967-68 ..... $5,648,220

25. MOREHEAD STATE COLLEGE

1966-67 ..... $3,951,155
1967-68 ..... $4,625,006

26. KENTUCKY STATE COLLEGE

1966-67 ..... $1,600,000
1967-68 ..... $1,900,000

27. UNIVERSITY OF LOUISVILLE

1966-67 ..... $1,000,000
1967-68 ..... $1,100,000

28. SCHOOL FOR EXCEPTIONALLY TALENTED CHILDREN

1966-67 ..... $250,000
1967-68 ..... $250,000

29. EDUCATIONAL TELEVISION AUTHORITY

1966-67 ..... $ 69,000
1967-68 ..... $ 70,000

30. DEPARTMENT OF LIBRARIES

1966-67 ..... $1,400,000
1967-68 ..... $1,500,000

31. KENTUCKY HISTORICAL SOCIETY

| | |
|---|---|
| 1966-67 | $132,142 |
| 1967-68 | $141,916 |

32. KENTUCKY ARTS COMMISSION

| | |
|---|---|
| 1966-67 | $100,000 |
| 1967-68 | $100,000 |

33. SCHOLARSHIP LOAN PROGRAM

| | |
|---|---|
| 1966-67 | $100,000 |
| 1967-68 | $100,000 |

TOTAL—EDUCATION

| | |
|---|---|
| 1965-66 | $ 4,654,671 |
| 1966-67 | $226,103,368 |
| 1967-68 | $248,281,856 |

## III. HEALTH AND WELFARE

### 34. DEPARTMENT OF ECONOMIC SECURITY

A. *Administration.*

| | |
|---|---|
| 1965-66 | $ 526,577 |
| 1966-67 | $6,000,000 |
| 1967-68 | $6,225,000 |

Any unexpended balance up to $500,000 remaining at the close of the 1966-67 fiscal year may, with the approval of the Commissioner of Finance, be transferred to Public Assistance Benefits and Services to be used for benefits and services to the needy, in accordance with the provisions of the statutes governing the functions and activities of the Department of Economic Security.

B. *Public Assistance Benefits and Services.* For benefits and services to the needy, in accordance with the provisions of the statutes governing the functions and activities of the Department of Economic Security. No part of this appropriation shall be used for the costs of administration.

Included in this appropriation is provision for the state's share of medical care vendor payments for qualified persons aged 65 and over treated in state tuberculosis hospitals or state mental institutions.

All medical assistance vendor statements for services rendered as a result of bona fide claims for public assistance medical care under provisions of the Kerr-Mills Program shall after June 30, 1966, be paid in the fiscal year in which such statements are received by the paying agency.

| | |
|---|---|
| 1965-66 | $ 756,423 |
| 1966-67 | $25,264,000 |
| 1967-68 | $26,475,000 |

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

---

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

| | |
|---|---|
| 1965-66 | $ 1,283,000 |
| 1966-67 | $31,264,000 |
| 1967-68 | $32,700,000 |

---

35. DEPARTMENT OF MENTAL HEALTH

A. *General Operations.*

| | |
|---|---|
| 1966-67 | $16,624,396 |
| 1967-68 | $16,915,070 |

B. *Community Mental Health.*

| | |
|---|---|
| 1966-67 | $775,604 |
| 1967-68 | $934,930 |

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

C. *Community Mental Retardation.*

| | |
|---|---|
| 1966-67 | $400,000 |
| 1967-68 | $550,000 |

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

TOTAL—DEPARTMENT OF MENTAL HEALTH

1966-67 ..... $17,800,000
1967-68 ..... $18,400,000

36. DEPARTMENT OF HEALTH

A. *General Operations and County Health.*

1966-67 ..... $6,129,131
1967-68 ..... $6,533,281

B. *Covington-Kenton County Tuberculosis Sanatorium.*

1966-67 ..... $ 18,375
1967-68 ..... $ 12,250

C. *Warren County Tuberculosis Sanatorium.*

1966-67 ..... $ 10,125
1967-68 ..... $ 6,750

If at any time during the biennium the State Tuberculosis Hospital Commission finds that it has adequate facilities to treat Tuberculosis patients in Covington-Kenton County, or Warren County, any unexpended funds may be transferred to the Commission, any provisions of KRS 215.320 to 215.345 to the contrary notwithstanding. The Commissioner of Finance may take necessary action to transfer any unexpended funds to the Tuberculosis Hospital Commission upon the receipt of a certificate by the Commission that adequate facilities exist. The transfer of funds shall be effected at the beginning of the next quarterly allotment following receipt of the certificate.

TOTAL—DEPARTMENT OF HEALTH

1966-67 ..... $6,157,631
1967-68 ..... $6,552,281

37. DEPARTMENT OF CORRECTIONS

A. *General Operations.*

1966-67 ..... $5,720,000
1967-68 ..... $5,970,000

B. *Maintenance of Buildings.*

1966-67 ..... $ 80,000
1967-68 ..... $ 80,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

C. *Public Defenders.*

1966-67 ..... $ 50,000
1967-68 ..... $ 50,000

---

TOTAL—DEPARTMENT OF CORRECTIONS

1966-67 ..... $5,850,000
1967-68 ..... $6,100,000

---

38. DEPARTMENT OF CHILD WELFARE

A. *General Operations.*

1966-67 ..... $4,940,000
1967-68 ..... $5,640,000

If at any time during the biennium the Department of Child Welfare finds that it can qualify Department of Child Welfare wards for medical assistance under the state public assistance programs, it may, with the approval of the Commissioner of Finance, transfer to the Department of Economic Security the necessary amounts from the above appropriations as may be required for such participation.

B. *Maintenance of Buildings.*

1966-67 ..... $ 60,000
1967-68 ..... $ 60,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

C. *Kentucky Commission on Children and Youth.*

1966-67 ..... $ 15,000
1967-68 ..... $ 15,000

TOTAL—DEPARTMENT OF CHILD WELFARE

1966-67 ..... $5,015,000
1967-68 ..... $5,715,000

39. STATE TUBERCULOSIS HOSPITAL COMMISSION

A. *General Operations.*

1966-67 ..... $4,619,750
1967-68 ..... $4,764,960

B. *Maintenance of Buildings.*

1966-67 ..... $ 50,000
1967-68 ..... $ 50,000

Any unexpended balance remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

TOTAL—STATE TUBERCULOSIS HOSPITAL COMMISSION

1966-67 ..... $4,669,750
1967-68 ..... $4,814,960

40. KENTUCKY COMMISSION FOR HANDICAPPED CHILDREN

1966-67 ..... $889,695
1967-68 ..... $916,550

41. COMMISSION ON HUMAN RIGHTS

1966-67 ..... $ 66,788
1967-68 ..... $ 69,218

TOTAL—HEALTH AND WELFARE

1965-66 ..... $ 1,283,000
1966-67 ..... $71,712,864
1967-68 ..... $75,268,009

## IV. RESOURCES DEVELOPMENT

### 42. DEPARTMENT OF AERONAUTICS

1966-67 ..... $250,500
1967-68 ..... $203,000

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### 43. DEPARTMENT OF AGRICULTURE

1966-67 ..... $1,922,000
1967-68 ..... $2,046,700

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### 44. DEPARTMENT OF COMMERCE

A. *Department of Commerce.*

1966-67 ..... $1,302,000
1967-68 ..... $1,324,000

B. *Geological Projects.*

1966-67 ..... $708,000
1967-68 ..... $708,000

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TOTAL—DEPARTMENT OF COMMERCE

1966-67 ..... $2,010,000
1967-68 ..... $2,032,000

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### 45. ATOMIC ENERGY AND SPACE AUTHORITY

1966-67 ..... $ 50,000
1967-68 ..... $ 50,000

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### 46. SPINDLETOP RESEARCH

1966-67 ..... $250,000
1967-68 ..... $250,000

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### 47. DEPARTMENT OF LABOR

For general operations of the Office of the Commissioner, Division of Labor Standards, and Division of Research and Statistics.

1966-67 ..... $367,820
1967-68 ..... $397,000

48. DEPARTMENT OF MINES AND MINERALS

1966-67 ..... $500,000
1967-68 ..... $515,000

49. DEPARTMENT OF NATURAL RESOURCES

*General Operations.*

1966-67 ..... $2,064,840
1967-68 ..... $2,184,520

Not less than $60,000 of the appropriation for each year shall be set aside for emergency forest fire suppression. Any unexpended balance of this amount remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year. Any expenditure for emergency fire suppression in excess of the amount available in either fiscal year is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation has been declared to exist by the Governor.

50. DEPARTMENT OF PARKS

A. *General Operations.*

1966-67 ..... $3,041,140
1967-68 ..... $3,716,420

B. *Building Maintenance.*

1966-67 ..... $ 338,860
1967-68 ..... $ 383,580

TOTAL—DEPARTMENT OF PARKS

1966-67 ..... $3,380,000
1967-68 ..... $4,100,000

51. BREAKS INTERSTATE PARK COMMISSION

For matching funds from the Commonwealth of Virginia relative to the construction, maintenance, and operation of Breaks Interstate Park.

1966-67 ..... $112,500
1967-68 ..... $112,500

This appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis; provided, however, that appropriations to date shall be considered cumulatively and any deficit in appropriations by this State may be removed. The Commissioner of Finance shall be responsible for ensuring that only the amount necessary for matching on an equal basis is allotted.

52. STATE FAIR BOARD

A. *Air Conditioning of Freedom Hall.* For expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. These funds shall be transferred to, expended from, and accounted for within the Capital Construction Fund.

1965-66 ..... $800,000

B. *General Operations.*

1966-67 ..... $450,000
1967-68 ..... $450,000

C. *Building Maintenance.* For expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

1966-67 ..... $ 75,000
1967-68 ..... $ 75,000

TOTAL—STATE FAIR BOARD

1965-66 ..... $800,000
1966-67 ..... $525,000
1967-68 ..... $525,000

TOTAL—RESOURCES DEVELOPMENT

1965-66 ..... $ 800,000
1966-67 ..... $11,432,660
1967-68 ..... $12,415,720

## V. SAFETY AND REGULATORY

### 53. DEPARTMENT OF PUBLIC SAFETY

A. *General Operations.*

1966-67 ..... $6,557,400
1967-68 ..... $6,684,350

B. *Aid to Local Fire Departments.*

1966-67 ----------$100,000
1967-68 ----------$100,000

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TOTAL—DEPARTMENT OF PUBLIC SAFETY

1966-67 ----------$6,657,400
1967-68 ----------$6,784,350

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54. DEPARTMENT OF MILITARY AFFAIRS

1966-67 ----------$ 961,953
1967-68 ----------$1,022,000

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55. RAILROAD COMMISSION

1966-67 ----------$ 31,089
1967-68 ----------$ 31,158

---

56. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1966-67 ----------$339,136
1967-68 ----------$343,839

---

57. DEPARTMENT OF INSURANCE

1966-67 ----------$485,000
1967-68 ----------$507,000

---

58. BUSINESS AND PROFESSIONAL REGULATION

*Kentucky Athletic Commission.*

1966-67 ----------$ 22,500
1967-68 ----------$ 22,500

---

TOTAL—SAFETY AND REGULATORY

1966-67 ----------$8,497,078
1967-68 ----------$8,710,847

## VI. OTHER

### 59. DEBT SERVICE

A. *Veterans Bonus Debt Service.* For the principal and interest on bonds issued to pay veterans' bonuses.

1966-67 ----------$7,913,093
1967-68 ----------$7,891,055

B. *Parks Debt Service.* For the principal and interest on general obligation parks bonds.

1966-67 ----------$579,710
1967-68 ----------$575,335

C. *1965 General Obligation Debt Service.* For the principal and interest on 1965 general obligation bonds.

1966-67 ----------$2,500,000
1967-68 ----------$2,100,000

---

TOTAL—OTHER, DEBT SERVICE

1966-67 ----------$10,992,803
1967-68 ----------$10,566,390

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### 60. COUNTY COSTS

A. *Clerk's Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks), Commissioners on Fines and Forfeitures, Commonwealth Attorneys, Return of Fugitives from Justice, County Highway Patrol, Premiums on Sheriffs' Bonds, Pauper Mental Defectives, and County Boards of Supervisors.*

All County Costs are deemed to be necessary governmental expenses and additional funds may be allotted by the Commissioner of Finance.

1966-67 ----------$3,600,000
1967-68 ----------$3,600,000

---

### 61. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Back Tax Collections.*

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

B. *Board of Claims Awards.* For the payment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund.

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

C. *Judgments.* For payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General.

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

D. *Prior Year Claims.*

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

E. *Unredeemed Checks Refunded.* Checks written by the State Treasurer and not cashed within the statutory period may be presented directly to the State Treasurer for reissuance (KRS 41.370).

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

F. *Confederate Pensions.*

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

G. *Blanket Employee Surety Bonds.* For payment of premiums on blanket surety bonds as provided by KRS 62.170.

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

H. *Social Security for Circuits Clerks, Master Commissioners, and Court Reporters.*

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

I. *Retirement-Circuit Clerks, Master Commissioners, Court Reporters, and Assistant Commonwealth Attorneys.*

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

J. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165.

1966-67 ----------$ 300
1967-68 ----------$ 300

K. *Frankfort Planning and Zoning Commission.* For expense of participation in the program of the Commission.

1966-67 ----------$ 1,000
1967-68 ----------$ 1,000

L. *Frankfort Cemetery.*

1966-67 ----------$ 750
1967-68 ----------$ 750

M. *Public Improvements.* For paying assessments for public improvements against property owned by the State, and for which said assessments the State is deemed to be liable.

1966-67 ----------$ 50,000
1967-68 ----------$ 50,000

N. *Interstate Conferences.* For the state share of interstate conferences.

1966-67 ----------$ 50,000
1967-68 ----------$ 7,500

O. *Money Refunded.* For refunding money paid into the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and the approval of the Commissioner of Finance and the Attorney General.

1966-67 ----------Amount Necessary
1967-68 ----------Amount Necessary

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TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1966-67 ----------$102,050
1967-68 ----------$ 59,550

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## 62. CAPITAL CONSTRUCTION

For expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. All monies transferred to the Department of Finance for capital construction from other appropriations shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Department of Finance for capital construction.

If at the end of any fiscal year the monies and securities to the credit of the State Fire and Tornado Insurance Fund exceed two million dollars, and if conditions with respect to life and fire safety in state properties are such as not to require the expenditure of all excess funds for improvements to said conditions, then the Commissioner of Finance, with the approval of the Commissioner of Insurance, shall determine the amount of such excess not so required and may authorize its transfer to the Capital Construction Fund, for expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

If at the close of 1966-67 the unappropriated surplus in the General Fund exceeds $13,600,000 and the estimate of General Fund revenue for 1967-68 is, upon written certification of the Commissioner of Revenue, $366,000,000 or more, the Commissioner of Finance may, with written approval of the Governor, transfer to the Capital Construction Fund all or part of the excess above $13,600,000. Any unexpended balances remaining at the close of 1965-66 fiscal year shall not lapse, but shall continue into the 1966-67 fiscal year, and any unexpended balances remaining at the close of the 1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.

1966-67 ----------$1,000,000
1967-68 ----------$1,000,000

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## 63. GENERAL CONTINGENCY FUND

For meeting expenses deemed necessary by the Governor, and to be expended by the Governor, in his discretion, for any emergency or other contingency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the close of 1966-67 fiscal year shall continue into 1967-68.

| | |
|---|---|
| 1966-67 | $1,000,000 |
| 1967-68 | $1,000,000 |
| TOTAL–OTHER | |
| 1966-67 | $16,694,853 |
| 1967-68 | $16,225,940 |

## PART TWO

## STATE ROAD FUND

There is established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all the revenues realized from fees, taxes, and license fees levied for state road purposes now authorized by law, and any additional or other revenues, grants or funds, including any amount which may be received from Federal aid, bond funds, or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1966, and June 30, 1967, shall constitute the State Road Fund for the fiscal years 1966-67 and 1967-68. There is appropriated from the State Road Fund the following amounts for the following departments or agencies of the State Government, for the following purposes:

### 1. DEPARTMENT OF HIGHWAYS

A. *General Operations.* For use by the Department in its activities, functions, and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act; provided, however, that an annual budget for each fiscal year shall be submitted by the Department of Highways as required by Part Two, Section III of this Act.

## 2. RURAL HIGHWAYS

A. *County Road Aid.* For improvement, construction, reconstruction, and maintenance of rural roads and bridges, the sum of $10,000,000 for each of the fiscal years 1966-67 and 1967-68. This appropriation is to be expended in accordance with the provisions of KRS 177.360 and 179.420 through 179.430.

B. *Rural Secondary Roads.* For the construction, reconstruction, and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.220, 138.565, and 177.320. This appropriation is in addition to the amount appropriated under Section I, subsection 2, Paragraph A, of Part Two of the Appropriation Act. These funds shall be distributed in accordance with the formula expressed in KRS 177.360.

## II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

## 3. DEPARTMENT OF THE TREASURY

For the expenses pertaining to treasury administration for the Department of Highways.

1966-67 ----------$ 50,000
1967-68 ----------$ 50,000

## 4. DEPARTMENT OF FINANCE

For expenses pertaining to financial administration for the Department of Highways and for expenses of operation of buildings for the Department of Highways and State Police Barracks.

1966-67 ----------$200,000
1967-68 ----------$200,000

## 5. DEPARTMENT OF PERSONNEL

Notwithstanding any provisions of KRS 18.330 to the contrary, this appropriation is for the pro rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for the Department of Highways.

1966-67 ----------$120,000
1967-68 ----------$120,000

6. DEPARTMENT OF REVENUE

For administering and enforcing the laws pertaining to the gasoline, motor fuels, and any other taxes comprising the State Road Fund, and for administering and enforcing the laws relating to motor vehicle registration and other laws relating to motor vehicles and highways.

1966-67 ----------$320,000
1967-68 ----------$320,000

7. DEPARTMENT OF PUBLIC SAFETY

1966-67 ----------$1,580,000
1967-68 ----------$2,085,000

8. DEPARTMENT OF COMMERCE

For expenses arising from geological projects pertaining to the acquisition of data used in highway planning and construction.

1966-67 ----------$ 88,125
1967-68 ----------$ 88,125

9. DEPARTMENT OF MOTOR TRANSPORTATION

For administering and enforcing the motor vehicle carrier laws.

1966-67 ----------$1,048,760
1967-68 ----------$1,086,088

10. DEPARTMENT OF PUBLIC INFORMATION

For expenses of Division of Tourist Promotion incident to the preparation, publication, and distribution of road maps, booklets, photographs, advertisements, and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions, and places of interest to motorists.

1966-67 ----------$250,000
1967-68 ----------$250,000

TOTAL—APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

| | |
|---|---|
| 1966-67 | $3,656,885 |
| 1967-68 | $4,199,213 |

## III. ADMINISTRATION AND EFFECT

The Department of Highways shall submit an annual budget for each fiscal year to the Department of Finance for approval by the Commissioner of Finance immediately before the fiscal year begins. The budget shall be based upon the most current state road fund revenue estimates, surplus, and contractual and noncontractual federal aid for which the Department will be eligible during the fiscal year.

The appropriations made by this Act are subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes except where additional requirements are imposed by this Act. Nothing in this Act shall be construed to repeal any appropriation to the State Road Fund for the fiscal year ending June 30, 1966.

## PART THREE

## REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the various officers, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal year ending June 30, 1967, and for the fiscal year ending June 30, 1968, all of the fees (which include fees for board and room, athletics, and student activities) and rentals, admittances, sales, bonds proceeds, licenses collected by law, contributions, gifts, subventions, Federal grants and other Federal receipts, and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-

named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized.

In the event receipts received and credited to any Revolving or Trust and Agency Fund Account during fiscal year 1966-67 or fiscal year 1967-68 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account in this Part of this Appropriation Act, the excess is appropriated to the credit of said account for the fiscal year in which the excess occurs; provided, however, that with the exception of federal grants and other federal receipts, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Commissioner of Finance and approval of the Governor.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Revolving or Trust and Agency Fund account, through the Department of Finance, during the fiscal year ending June 30, 1967, and during the fiscal year ending June 30, 1968, all receipts placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a Revolving or Trust and Agency Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before September 30, of the then current fiscal year, by the Department of Finance. On or before the beginning of each fiscal year, each agency shall submit to the Department of Finance schedules showing estimated receipts and estimated expenditures by quarterly period.

## I. GENERAL GOVERNMENT

### 1. LEGISLATIVE RESEARCH COMMISSION

A. *Statute Revision Printing Fund.*

B. *Administrative Regulations Fund.*

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### 2. JUDICIARY

*Board of Bar Examiners.*

1966-67 ---------- $ 17,200
1967-68 ---------- $ 20,500

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### 3. EXECUTIVE

A. *Area Development Office.*

1965-66 ---------- $104,215
1966-67 ---------- $ 54,858
1967-68 ---------- $ 6,704

B. *Economic Opportunity Staff.*

1966-67 ---------- $135,000
1967-68 ---------- $140,400

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### 4. DEPARTMENT OF FINANCE

A. *Paper Revolving Fund.*

B. *Division of Services Revolving Fund.* For providing stamps and postage, supplies, equipment, and utility services for the various budget units of State Government, which shall make reimbursement for same.

C. *Central Stores Revolving Fund.* For purchasing supplies and services for the various budget units of State Government which shall make reimbursement for same.

D. *Capitol Annex Maintenance and Operations Fund.* For expenses of maintaining and operating the New Capitol Annex building.

E. *Duplicating Revolving Fund.* For duplicating services provided to the various budget units of State Government which shall make reimbursement on the basis of cost.

F. *Capital Construction.* All real estate rentals, sales, and other receipts including balances brought forward as provided in Chapter 56 of the Kentucky Revised Statutes.

G. *Division of Purchases.* For reproduction of documents and testing of commodities.

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5. DEPARTMENT OF PERSONNEL

1966-67 ..... $ 30,000
1967-68 ..... $ 45,000

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6. SECRETARY OF STATE

The operating receipts from all activities of the office of the Secretary of State shall be deposited in the State Treasury to the credit of the General Expenditure Fund, except that there shall be deposited to the credit of a Trust and Agency Fund to be available for the general operations of the office of the Secretary of State for the fiscal years 1966-67 and 1967-68 the receipts from the following fees, and no others, imposed by the provisions of KRS Chapter 271: fees for recording articles of incorporation and issuing certificates of incorporation; original filing fees and fees for recording articles of incorporation and accompanying amendments of foreign corporations and fees for recording subsequent amendments; fees for recording statements of intent to dissolve and for recording statements of revocation of voluntary dissolution proceedings, and fees for recording articles of dissolution and for issuing certificates of dissolution; fees for recording agreements to merge or consolidate and for recording articles of incorporation subsequent to consolidation and for issuing certificates of incorporation of consolidated corporations; and fees for recording articles of amendment and for issuing certificates of amendment.

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7. STATE & COUNTY EMPLOYEES RETIREMENT SYSTEM

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8. AUDITOR OF PUBLIC ACCOUNTS

1966-67 ..... $ 40,255
1967-68 ..... $ 43,500

9. BOARD OF ELECTIONS

1966-67 ..... $ 55,000
1967-68 ..... $ 55,000

10. KENTUCKY HERITAGE COMMISSION

## II. EDUCATION

### 1. DEPARTMENT OF EDUCATION

A. *Central Administration.*

1966-67 ..... $1,101,798
1967-68 ..... $1,114,934

B. *School Foundation Program.*

C. *School Lunch Program.*

D. *School Milk Program.*

E. *Guidance Grants to Local Districts.*

F. *Mathematics, Science, and Foreign Language Grants to Local Districts.*

G. *Elementary and Secondary Educaiton Act Grants.*

H. *Vocational Education.*

1966-67 ..... $11,470,021
1967-68 ..... $11,784,043

I. *Division of Property Utilization.*

1966-67 ..... $573,000
1967-68 ..... $370,000

J. *Bureau of Rehabilitation Services.*

1966-67 ..... $3,598,676
1967-68 ..... $4,048,360

K. *Kentucky Industries for the Blind.*

1966-67 ..... $270,000
1967-68 ..... $285,000

L. *Business Enterprises Program.*
1966-67 ----------$ 13,500
1967-68 ----------$ 14,000

M. *OASI Disability Determination Program.*

N. *School for the Blind.*

O. *School for the Deaf.*
1966-67 ----------$ 19,000
1967-68 ----------$ 6,860

2. TEACHERS' RETIREMENT SYSTEM

3. HIGHER EDUCATION

A. *Council on Higher Education.*

B. *University of Kentucky.*

C. *Eastern Kentucky State College.*

D. *Western Kentucky State College.*

E. *Murray State College.*

F. *Morehead State College.*

G. *Kentucky State College.*

4. SCHOOL FOR EXCEPTIONALLY TALENTED CHILDREN

5. KENTUCKY ARTS COMMISSION
1966-67 ----------$ 50,000
1967-68 ----------$ 50,000

6. DEPARTMENT OF LIBRARIES
1966-67 ----------$ 3,000
1967-68 ----------$ 3,000

7. KENTUCKY HISTORICAL SOCIETY
1966-67 ----------$ 25,300
1967-68 ----------$ 21,300

## III. HEALTH AND WELFARE

### 1. DEPARTMENT OF ECONOMIC SECURITY

1966-67 ..... $185,424,243
1967-68 ..... $191,079,809

### 2. DEPARTMENT OF MENTAL HEALTH

1966-67 ..... $2,341,333
1967-68 ..... $2,500,132

### 3. DEPARTMENT OF HEALTH

A. *Central Administration and County Health.*

1966-67 ..... $4,211,840
1967-68 ..... $4,317,019

B. *Hospital Construction—Federal.*

### 4. DEPARTMENT OF CORRECTIONS

A. *Central Office.*

B. *Penal Institutions.*

1966-67 ..... $ 20,000
1967-68 ..... $ 20,000

C. *Prison Industries.*

1966-67 ..... $1,483,456
1967-68 ..... $1,545,800

### 5. DEPARTMENT OF CHILD WELFARE

1966-67 ..... $961,603
1967-68 ..... $857,151

### 6. TUBERCULOSIS HOSPITAL COMMISSION

1966-67 ..... $250,000
1967-68 ..... $250,000

### 7. KENTUCKY COMMISSION FOR HANDICAPPED CHILDREN

1966-67 ..... $1,149,500
1967-68 ..... $1,199,500

8. COMMISSION ON HUMAN RIGHTS

IV. RESOURCES DEVELOPMENT

1. DEPARTMENT OF AERONAUTICS

*Airport Development.*

2. DEPARTMENT OF AGRICULTURE

A. *General Operations.*

1966-67 ..... $197,720
1967-68 ..... $203,620

B. *Dog Law—Administration and Indemnities and County Share.*

C. *Milk Marketing and Anti-Monopoly Commission.*

3. DEPARTMENT OF COMMERCE

1966-67 ..... $609,300
1967-68 ..... $610,000

4. KENTUCKY INDUSTRIAL FINANCE AUTHORITY

5. DEPARTMENT OF FISH AND WILDLIFE RESOURCES

6. DEPARTMENT OF LABOR

A. *Workmen's Compensation Board.* For the general operations of the Workmen's Compensation Board and the Division of Occupational Safety, and the pro-rata share of the operating costs for administrative services provided by the office of the Commissioner and Division of Research and Statistics to the Board.

1966-67 ..... $628,480
1967-68 ..... $708,498

B. *Special Fund.*

7. DEPARTMENT OF MINES AND MINERALS

1966-67 ..... $ 92,140
1967-68 ..... $ 92,820

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8. DEPARTMENT OF NATURAL RESOURCES

A. *Forestry.*

1966-67 ..... $852,600
1967-68 ..... $806,400

B. *Strip Mining and Reclamation.*

1966-67 ..... $190,730
1967-68 ..... $194,500

C. *Soil and Water Resources—Specialized Equipment Revolving Fund.*

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9. DEPARTMENT OF PARKS

1966-67 ..... $5,321,280
1967-68 ..... $5,954,670

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10. STATE FAIR BOARD

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V. SAFETY AND REGULATORY

1. DEPARTMENT OF PUBLIC SAFETY

1966-67 ..... $280,000
1967-68 ..... $305,000

Notwithstanding the provisions of KRS 234.160 and KRS 236.130, all monies collected by the Division of Fire Prevention shall be paid into the General Expenditure Fund.

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2. DEPARTMENT OF MILITARY AFFAIRS

1966-67 ..... $355,487
1967-68 ..... $353,837

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3. DEPARTMENT OF MOTOR TRANSPORTATION

1966-67 ..... $ 3,361
1967-68 ..... $ 2,539

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4. PUBLIC SERVICE COMMISSION

1966-67 ..... $450,000
1967-68 ..... $450,000

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5. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Confiscation Expense.*

1966-67 ..... $ 6,500
1967-68 ..... $ 6,500

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6. DEPARTMENT OF BANKING

A. *Division of Banking.*

1966-67 ..... $308,192
1967-68 ..... $320,242

B. *Division of Securities.*

1966-67 ..... $ 61,171
1967-68 ..... $ 63,350

All unexpended balances in excess of $100,000 remaining in the Trust and Agency Fund of the Department of Banking and Securities at the close of the 1965-66 fiscal year and the 1966-67 fiscal year shall lapse to the General Expenditure Fund. Receipts of the Department during the fiscal year 1966-67 and fiscal year 1967-68 shall be available for expenditure from the Trust and Agency Fund.

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7. DEPARTMENT OF INSURANCE

Notwithstanding any provisions of KRS 304.463 to the contrary, the following receipts only are authorized to be placed to the credit of the Trust and Agency Fund and are authorized for expenditure out of the Trust and Agency Fund. All other receipts collected during the 1966-67 and 1967-68 fiscal years shall be placed to the credit of the General Expenditure Fund.

A. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

B. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.035. (Notwithstanding the provi-

sions of KRS 304.035 to the contrary, any amount unexpended at the end of the 1965-66 fiscal year and each fiscal year thereafter in excess of $10,000 shall lapse to the General Expenditure Fund.)

C. *State Fire and Tornado Insurance Fund.*

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8. DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

A. *Board of Accountancy.*

B. *Board of Psychology.*

C. *Board of Examiners and Registration of Architects.*

D. *Board of Barber and Cosmetologist Examiners.*

E. *Board of Chiropractic Examiners.*

F. *Board of Dental Examiners.*

G. *Board of Embalmers and Funeral Directors.*

H. *Board of Pharmacy.*

I. *Board of Prophylactic Enforcement.*

J. *Board of Nursing.*

K. *Board of Veterinary Examiners.*

L. *Board of Professional Engineers.*

M. *Real Estate Commission.*

N. *Board of Optometric Examiners.*

O. *Board of Podiatry.*

P. *Board of Ophthalmic Dispensers.*

Q. *Board of Watchmaking.*

R. *Board of Physical Therapy.*

S. *Board of Business Schools.*

T. *Board of Auctioneers.*

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## VI. OTHER

### 1. COUNTY FEES

A. *Jefferson County Master Commissioner.*

B. *Jefferson County Receiver.*

C. *County Fees for the following Counties: Jefferson, Kenton, Fayette, Campbell.*

For paying the various officials of each county enumerated, seventy-five per cent (75%) of the fees provided by law to be paid, by the State, to these officials when their claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of each of said counties twenty-five per cent (25%) of said fees as required by KRS 64.350.

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### 2. TRUCK LICENSES—COUNTY SHARE

A. *Truck Licenses—County Share.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

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### 3. COUNTY COSTS

A. *Commonwealth Attorneys Expense Accounts.*

B. *County Attorneys Expense Accounts.*

C. *County Judges Expense Accounts.*

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## PART FOUR

## GENERAL PROVISIONS

1. Nothing in this Act shall be construed to repeal any appropriation made hereinbefore or hereinafter for the fiscal year ending June 30, 1966, and nothing in this Act is to be construed as amending or altering the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting

any appropriation in this Act as to the purpose or manner for which such appropriation may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report, and supporting work papers, as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. The Commissioner of Finance is authorized to establish a system or formula or combination of both for pro-rating the administrative costs of the Departments of Personnel, Finance, Treasury, and Law relative to the administration of programs in which there is joint participation by the State and Federal Government for the purpose of receiving the maximum amount of participation permitted under the appropriate federal laws and regulations governing such programs. Any reimbursements received from Federal funds under this system or formula shall accrue to the General Expenditure Fund and any system or formula for the proration shall be developed pursuant to the provisions of KRS 18.330.

3. Notwithstanding any other provisions of this Act, the appropriations to agencies receiving both a General Fund and a Road Fund appropriation shall be considered one appropriation for purposes of administration of this Act, and the rates of General Fund-Road Fund appropriations may be adjusted, by the Commissioner of Finance with approval of the Commissioner of Highways, within the total authorized appropriation for any agency.

4. Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College, Kentucky State College, and the University of Kentucky are hereby authorized and empowered, with the approval of the Commissioner of Finance, to utilize funds available from any appropriated source, for the purpose of cooperating to the fullest extent possible with federal agencies in such programs as may be proposed by the Federal Government involving the use of federal funds for educational purposes, programs, and buildings in conjunction with the colleges and the University.

5. In enacting this Appropriation Act, it is the deliberate

intention of the General Assembly to enact each section, and each subsection thereof, as a separate and/or specific appropriation and law, and if any section, any subsection, or any provision thereof shall be held invalid, or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

6. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, except as provided by Chapters 12, 42, 45, 56, 177, and 341 of the Kentucky Revised Statutes. All laws and portions of laws in conflict with any of the provisions of the above enactment, to the extent of such conflict, are hereby repealed.

7. WHEREAS, the finances of the Commonwealth cannot be ascertained with absolute certainty at this time, and since the actual needs of each officer, department, board, commission, institution, agency, or other activity, subdivision of the State Government can only be anticipated and not finally determined by the General Assembly, and since the total amount of revenue accruing to the General Expenditure Fund and to the General Road Fund from which these appropriations are made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Act that the expenditures for each fiscal year under Part I of this Act shall not exceed the total financial resources anticipated to accrue to the General Expenditure Fund and that the expenditures for each fiscal year under Part 2 of this Act shall not exceed the total financial resources anticipated to accrue to the General Road Fund for the same fiscal year respectively. As the conditions cannot be fully determined until after the adjournment of the 1966 General Assembly, and as the needs of each officer, department, board, agency, commission, institution, subdivision, agency, or other activity of the State Government and the total financial resources accruing to the General Expenditure Fund and General Road Fund cannot be fully determined at this time, it is the intention and the purpose of this General Assembly that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine

the needs of each officer, department, board, commission, institution, subdivision, agency, or other activity of the State Government, and to ascertain the total financial resources anticipated to accrue to the General Expenditure Fund and General Road Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is authorized, empowered, and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made in Part 1 and Part 2 to any officer, department, board, commission, institution, subdivision, agency, or other activity of the State Government; provided that the power vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution, subdivision, agency, or other activity of the State Government that will actually impair the necessary constitutional functions of any such agency or activity the operations and functions of which are determined to be necessary constitutional functions of government.

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## Introduction of Bills and Resolutions

**HB 8,** by Representative Wells: AN ACT relating to the purchase of liability insurance by public bodies in the Commonwealth.

**HB 9,** by Representatives Hinkle and McNamara: AN ACT relating to education.

**HB 10,** by Representative Isler: AN ACT relating to garbage disposal.

**HB 11,** by Representative DeMarcus: AN ACT relating to legislation.

**HB 12,** by Representative DeMarcus: An ACT relating to state supported institutions of higher education.

**HB 13,** by Representative DeMarcus: AN ACT relating to loans to students in state institutions of higher learning.

**HB 14,** by Representative DeMarcus: AN ACT permitting suits against the Commonwealth for breach of contract.

**HB 15,** by Representative Wells: AN ACT relating to taxation.

**HB 16,** by Representative Wells: AN ACT relating to the retirement system for state employees.

**HB 17,** by Representative Wells: AN ACT relating to teachers' retirement benefits.

**HB 18,** by Representative Short: AN ACT relating to benefits for veterans and their families.

**HB 19,** by Representative Smothers: AN ACT changing the classification of the City of Springfield, in Washington County, from the fifth class to the fourth class.

**HR 5,** by Representatives Ball, Allen, Arnett, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, E. G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCallum, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright and Young: A RESOLUTION in support of United States action in Viet Nam.

Representative John Y. Brown moved that the House adjourn until 9 a.m., Thursday, January 6, 1966.

On the roll call the vote was yeas 46—Arnett, Barber, Bates, Blume, Bondurant, Brady, Edward G. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Criscillis, Hale, Hardin, Henry,

Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Jones, Kessinger, Leeds, Majors, McBrayer, McIntyre, McNamara, John D. Miller, Peniston, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Short, Siemens, Smothers, Straney, Stuart, Tucker, Warders, Wells, Wheeler, White. Nays 5—Ball, Blythe, Dempsey, Eicher, Harper.

The motion to adjourn was adopted.

## THURSDAY, JANUARY 6, 1966

## THIRD LEGISLATIVE DAY

The House was called to order by the Speaker Pro Tempore Denham.

Prayer by the Reverend John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Allen, Bartley, E. G. Brown, Carroll, Chapman, Chaudoin, Harris, Hislope, James E. Hunt, Isler, Johnson, Maddox, Majors, Clarence R. Miller, Morgan, Ostertag, Overman, Peace, Sartin, Sheehan, Stuart, Watkins, Wheeler, Whitlock and Young.

Representative Webster moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 5, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

**HR 6,** by Representatives Jordan, Dempsey, Wells, Martin, McBrayer, Straney, Hinkle, W. J. Reynolds, Jr., Webster, Vanover, Pile, Jones, White, Archie Brown, McCowan, Bourne, Wallace, Keene, McNamara, and Clapp: A RESOLUTION requesting the governing bodies of all institutions of higher education supported by state funds to raise the tuition fee for out-of-state students.

WHEREAS, the budget for state institutions of higher education is to be raised considerably for the next biennum; and

WHEREAS, Kentucky's responsibility for higher education lies in the first instance with the taxpayers of the Commonwealth; and

WHEREAS, out-of-state students make up a considerable portion of the student bodies of state institutions of higher education; and

WHEREAS, one of the prime reasons for this fact is that out-of-state students in many instances may enter Kentucky col-

leges and universities cheaper than elsewhere, including the states where such students reside;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the governing bodies of all institutions of higher education supported by state funds are requested to raise the tuition fees required from out-of-state students to a much higher figure than that now required and more proportionately higher than the tuition fees required from students whose parents are residents of Kentucky.

Representative Jordan moved the adoption of **HR 6.**

On the roll call the vote was yeas 56—Allen, Arnett, Ball, Ballenger, Barber, Bates, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Caldwell, Clapp, Clark, Cox, DeMarcus, Denham, Eicher, Hale, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Jones, Jordan, Keene, Kelly, Leeds, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Smith, Smothers, Straney, Vanover, Wallace, Warders, Webster, Wells, Wright. Nays 0.

**HR 6** was passed and the title agreed to.

**HR 5:** A RESOLUTION in support of United States action in Viet Nam.

WHEREAS, the United States has committed its military forces to preventing a Communist takeover of the nation of South Viet Nam, and

WHEREAS, it is vital to the future of the free world that the Communist tide be checked in Southeast Asia, and

WHEREAS, many Kentuckians are among the millions of United States servicemen serving in Viet Nam and other key military installations around the world,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the House of Representatives of Kentucky goes on record as supporting the United States military effort in Viet Nam, and we call upon the people of Kentucky to stand behind our Government and armed forces and to make whatever sacrifices may be necessary to check Communist threats and establish a free stable government in Viet Nam.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives transmit copies of this resolution to all of Kentucky's United States Senators and Representatives, for transmittal by them to whatever Federal departments they may deem proper.

Representative Caldwell moved the adoption of **HR 5** unanimously. Agreed.

## Report of Committees

Representative John Y. Brown moved that the reporting and the reading of **HB 2** be deferred until Monday, January 10, 1966. Agreed.

## Calendar

**HB 1** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Introduction of Bills and Resolutions

**HB 21,** by Representative White: AN ACT relating to education.

**HB 20,** by Representative Wells: AN ACT relating to Kentucky state supported institutions of higher learning.

Speaker McCallum assumed the Chair.

Representative John Y. Brown moved that the House adjourn until 8 p.m., Monday, January 10, 1966.

On the roll call the vote was yeas 46—Arnett, Ballenger, Barber, Bates, Billings, Blume, Bondurant, Brady, John Y. Brown, Bruce, Buky, Caldwell, Clapp, Clark, Cox, Denham, Eicher, Floyd, Hale, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Irick, Jones, Jordan, Keene, Kessinger, McBrayer, McCallum, McNamara, John D. Miller, Osborn, Peniston, Pettit, Pile, Russell Reynolds, Riddle, Russell, Siemens, Straney, Tucker, Wallace, Wells. Nays 4—Blythe, McCowan, Short, Warders.

The motion to adjourn was adopted.

## MONDAY, JANUARY 10, 1966

## SIXTH LEGISLATIVE DAY

The House was called to order by the Speaker Pro Tempore Denham.

Prayer by the Reverend John L. Hunt of the South Frankfort Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Allen, Bartley, Archie Brown, E. G. Brown, Bruce, Clapp, Harris, Henry, Hoe, Howard P. Hunt, Johnson, Leeds, Maddox, McCallum, John D. Miller, Morgan, Secrest, Sheehan, Siemens, Wheeler, Whitlock and Young.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 6, 1966, be dispensed with and the same approved. Agreed.

Representative John Y. Brown moved that the rules be suspended to go into the Motion hour. Agreed.

### Motions, Petitions, and Communications

HR 8, by Representatives John Y. Brown, Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, E. G. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCallum, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, and

Young: A CONCURRENT RESOLUTION expressing the sympathy of the General Assembly over the untimely death of Mrs. Shelby McCallum.

WHEREAS, the wife of the Speaker of the House of Representatives, Betty H. McCallum, passed away on Sunday, January 9, 1966; and

WHEREAS, in the words of the Governor of the Commonwealth, Mrs. McCallum was a fine mother and a fine lady; and

WHEREAS, Speaker McCallum and his wife, Betty, have endeared themselves to the members of the General Assembly with their warmth and friendliness; and

WHEREAS, in this time of sorrow, the General Assembly shares the grief of Speaker McCallum and his family;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the House of Representatives and the Senate pause in silent tribute out of respect and in tribute to the late Mrs. Shelby McCallum.

Section 2. That this resolution be recorded in the journals of the General Assembly and that copies of this resolution be presented to Speaker McCallum and his family, whom we pray do understand that, in this moment, we stand with them in the bond of sympathy and friendship.

Section 3. That the Speaker Pro Tempore of the House of Representatives and the President of the Senate do appoint from their respective bodies an official delegation to represent the Kentucky General Assembly in attendance on the services for the late Mrs. Shelby McCallum.

Section 4. That when the House of Representatives and the Senate do adjourn on Monday, January 10, 1966, they do so adjourn out of respect and in tribute to the late Mrs. Shelby McCallum and that when the respective Houses do so adjourn the

Senate does so to convene again at 1:00 p.m., and the House of Representatives does so to convene again at 10:00 a.m., Eastern Standard Time, Wednesday, January 12, 1966.

Representative John Y. Brown moved the adoption of **HR 8.** Agreed.

The Speaker Pro Tempore appointed all members as an official delegation to attend funeral services of Mrs. McCallum, as ordered in **HR 8.**

**Senate Message**

Announcing passage of **HR 8.**

Representative John Y. Brown moved that the House adjourn until 10 a.m., Wednesday, January 12, 1966.

On the roll call the vote was yeas 66—Ball, Ballenger, Barber, Bates, Billings, Blume, Bondurant, Bourne, Brady, John Y. Brown, Buky, Caldwell, Chapman, Chaudoin, Clark, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Hale, Hardin, Harper, Hinkle, Hoffman, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jones, Keene, Kelly, Kessinger, King, Leeds, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Short, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wright. Nays 0.

The motion to adjourn was adopted.

## WEDNESDAY, JANUARY 12, 1966

## EIGHTH LEGISLATIVE DAY

The House was called to order by the Speaker Pro Tempore Denham.

Prayer by Representative R. E. Hale from Daviess County.

The roll was called. All present except Representative McCallum.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 10, 1966, be dispensed with and the same approved. Agreed.

### Recess

Representative Peniston moved that the House recess for twenty minutes for a Democratic Caucus. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

Representative Brown moved that the Rules be suspended to proceed to Orders of the Day. Agreed.

### Orders of the Day

**HB 1** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage.

Representative John Y. Brown requested a roll call.

On the roll call the vote was yeas 60—Allen, Arnett, Barber, Bartley, Bates, Billings, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Clapp, Cox, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston,

Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sartin, Sheehan, Siemens, Smith, Smothers, Straney, Tucker, Watkins, Webster, Whitlock. Nays 33—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, McIntyre, Peace, Riddle, Russell, Secrest, Stuart, Short, Vanover, Wallace, Warders, Wheeler, Wright.

The motion that **HB 1** be read for the third time and placed upon its passage was adopted.

Representative John Y. Brown moved the Previous Question on **HB 1.**

Representatives Ball and Caldwell appealed from the decision of the Chair.

The Speaker Pro Tempore vacated the Chair.

Representative Peniston presiding.

On the roll call the vote was yeas 55—Allen, Arnett, Barber, Bartley, Bates, Billings, Blume, Bondurant, Bourne, John Y. Brown, Bruce, Carroll, Chapman, Clapp, Cox, DeMarcus, Denham, Hale, Hardin, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Pile, Russell Reynolds, Roberts, Sheehan, Siemens, Smith, Straney, Tucker, Watkins, Webster, Wells, Whitlock. Nays 29—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Caldwell, Clark, Eicher, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, McIntyre, Peace, Riddle, Russell, Sartin, Short, Stuart, Vanover, Wallace, Warders, Wheeler, Wright.

The decision of the Chair was sustained.

The Speaker Pro Tempore resumed the Chair.

Representative John Y. Brown, repeated the Previous Question motion on **HB 1.**

On the roll call the vote was yeas 59—Allen, Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, Edward G. Brown,

John Y. Brown, Bruce, Carroll, Chapman, Clapp, Cox, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sheehan, Siemens, Smith, Smothers, Straney, Tucker, Watkins, Webster, Wells, Whitlock. Nays 32—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McIntyre, Peace, Riddle, Russell, Sartin, Secrest, Short, Stuart, Vanover, Wallace, Warders, Wheeler, Wright.

The motion on the Previous Question was adopted.

Representative John Y. Brown moved that the rules be suspended. Agreed.

Representative John Y. Brown moved that the proponents and the opponents of **HB 1** be granted one hour each for debate.

On the roll call the vote was yeas 81—Allen, Arnett, Ball, Ballenger, Barber, Bates, Bicknell, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Siemens, Smothers, Straney, Tucker, Vanover, Warders, Watkins, Webster, Wells, Wheeler, Whitlock. Nays 2—Billings, Smith.

The motion was adopted.

At the conclusion of the debate, Representative John Y. Brown moved that **HB 1** be placed upon its passage.

On the roll call the vote was yeas 99—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman,

Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 1** was passed and the title agreed to.

Representative John Y. Brown moved that the vote by which **HB 1** was passed be reconsidered and said motion be laid on the table. Agreed.

## Recess

Representative John Y. Brown moved that the House recess one hour for lunch.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

## Motions, Petitions, and Communications

Speaker McCallum informed the House that had he been present at the time **HB 1** was passed, he would have voted "yea." Representative John Y. Brown moved that the request be granted. Agreed.

Speaker Pro Tempore instructed the Clerk to record the same.

## Report of Committees

The Committee on Kentucky Statutes # 1 reported **HB 2** with Committee Amendments with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 2,** AN ACT to prevent discrimination in employment and public accommodations within the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Article 1

Section 101.

(a) The general purposes of this Act are:

(1) to provide for execution within the State of the policies embodied in the Federal Civil Rights Act of 1964 (78 Stat. 241);

(2) To safeguard all individuals within the State from discrimination because of race, color, religion, and national origin in connection with employment and public accommodations; thereby to protect their interest in personal dignity and freedom from humiliation in places of public accommodation, to make available to the State their full productive capacities in employment, to secure the State against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health and general welfare, and to further the interests, rights and privileges of individuals within the State;

(b) This Act shall be construed to further the general purposes stated in this Section and the special purposes of the particular provision involved.

Section 102. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 103. This Act shall take effect on July 1, 1966.

Article 2

Section 201. In this Act

(a) "Person" includes one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees

in bankruptcy, receivers, or other legal or commercial entity; the State, any of its political or civil subdivisions or agencies;

(b) "Commission" means the Kentucky Commission on Human Rights;

(c) "Commissioner" means a member of the Commission;

(d) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, or national origin, or the aiding, abetting, inciting, coercing or compelling thereof.

Article 3

Section 301. For the purposes of this article

(a) "Employer" means a person who has 8 or more employes within the State in each of twenty or more calendar weeks in the current or preceding calendar year and an agent of such a person.

(b) "Employment agency" means a person regularly undertaking with or without compensation to procure employes for an employer or to procure for employes opportunities to work for an employer and includes an agent of such person.

(c) "Labor organization" means a labor organization and an agent of such an organization, and includes an organization of any kind, an agency or employe representation committee, group, association, or plan so engaged in which employes participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and a conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(d) "Employe" means an individual employed by an employer, but does not include an individual employed by his parents, spouse or child, or an individual employed to render services as a domestic in the home of the employer.

Section 302. It is an unlawful practice for an employer

(a) to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin; or

(b) to limit, segregate, or classify his employes in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employe, because of such individual's race, color, religion, or national origin.

Section 303. It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, an individual because of his race, color, religion, or national origin, or to classify or refer for employment an individual on the basis of his race, color, religion, or national origin.

Section 304. It is an unlawful practice for a labor organization

(a) to exclude or to expel from its membership, or otherwise to discriminate against, a member or applicant for membership because of his race, color, religion, or national origin;

(b) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment an individual, in any way which would deprive or tend to deprive an individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employe or as an applicant for employment, because of such individual's race, color, religion, or national origin;

(c) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Section 305. It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against an individual because of his race, color, religion, or national origin in

admission to, or employment in, any program established to provide apprenticeship or other training.

Section 306. It is an unlawful practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion or national origin, except that such a notice or advertisement may indicate a preference, limitation, or specification based on religion, or national origin when religion, or national origin is a bona fide occupational qualification for employment.

Section 307. It is an unlawful practice for an individual seeking employment to publish or cause to be published an advertisement in a commercial publication relating to employment which specifies or indicates his race, color, religion, or national origin, or expresses a preference or limitation as to the race, color, religion, or national origin of a prospective employer.

Section 308. Notwithstanding any other provisions of this article, it is not an unlawful practice for

(a) an employer to hire and employ employes, or an employment agency to classify, or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(b) a religious corporation, association, or society to employ an individual on the basis of his religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity.

(c) a school, college, university, or other educational insti-

tution to hire and employ employes of a particular religion if the school, college, university, or other educational institution is, in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion and the choice of employes is calculated by such organization to promote the religious principles for which it is established or maintained.

Section 309. Notwithstanding any other provision of this chapter, it is not an unlawful practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employes who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, or national origin, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion or national origin.

Section 310. Nothing contained in this chapter requires an employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to an individual or to a group because of the race, color, religion, or national origin of the individual or group on account of an imbalance which may exist with respect to the total number of percentage of persons of any race, color, religion, or national origin employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to, or employed in, an apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, or national origin in the State or a community, section, or other area, or in the available work force in the State or a community, section, or other area.

Article 4.

Section 401. Except as otherwise provided in this article, it is an unlawful practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement, as defined in this article, on the ground of race, color, religion, or national origin.

Section 402. As used in this act unless the context requires otherwise:

(a) "Place of public accommodation, resort or amusement" includes any place, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds: except that (1) a private club is not a place of public accommodation if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests; and (2) "place of public accommodation, resort or amusement" does not include beauty shops or barber shops as defined in KRS 317.410 nor a rooming or boarding house containing not more than five rooms for rent or hire and which is within a building occupied by the proprietor as his residence.

Section 403. It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral or visual communication, notice, or advertisement, which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement, will be refused, withheld from, or denied an individual on account of his race, color, religion, or national origin, or that the patronage of, or presence at, a place of public accommodation, resort or amusement, of an individual, on account of his race, color, religion, or national origin is objectionable, unwelcome, unacceptable, or undesirable.

Article 5.

Section 501. (a) The members of the Commission on Human Rights established by KRS 19.020 shall be appointed on a bipartisan basis and shall be broadly representative of employers, proprietors, trade unions, religious groups, human rights groups, and the general public.

(b) Each member is entitled to reimbursement of expenses incurred in the performance of his duties and when serving as a hearing examiner shall be compensated at a per diem rate to be established by the Commissioner of Personnel.

Section 502. In the enforcement of this Act the Commission on Human Rights shall have the following powers and duties:

(a) To maintain an office in the City of Frankfort and such other offices within the State as it may deem necessary;

(b) to meet and exercise its powers at any place within the Commonwealth;

(c) within the limitations provided by law, to appoint an Executive Director, attorney, hearing examiners, clerks and other employees and agents as it may deem necessary. At the direction of the Commission, attorneys appointed under this section may appear for and represent the Commission in any court;

(d) to promote the creation of local commissions on human rights, to cooperate with State, local and other agencies, both public and private, and individuals, and to obtain upon request and utilize the services of all governmental departments and agencies.

(e) to cooperate with the United States Equal Employment Opportunity Commission created by Sections 705 of the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of this Act.

(f) to accept gifts or bequests, grants, or other payments or private, to help finance its activities;

(g) to accept reimbursement pursuant to Section 709 (b)

of the Civil Rights Act of 1964 (78 Stat. 241) for services rendered to assist the Federal Equal Employment Opportunity Commission.

(h) to receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this Act.

(i) at any time after a complaint is filed, to require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person or by deposition, and require the production of documents relevant to the complaint. The Commission may make rules authorizing any member or individual designated to exercise these powers in the performance of official duties;

(j) to furnish technical assistance requested by persons subject to this Act to further their compliance with this Act or an order issued thereunder;

(k) to make studies appropriate to effectuate the purposes and policies of this Act and to make the results thereof available to the public;

(l) to render annual written reports to the Governor and the Legislature. The reports may contain recommendations of the Commission for legislative or other action to effectuate the purposes and policies of this Act;

(m) to create local or state-wide advisory agencies that in its judgment will aid in effectuating the purpose of this Act. The Commission may empower these agencies (1) to study and report on problems of discrimination because of race, color, religion, or national origin, (2) to foster through community effort or otherwise goodwill among the groups and elements of the population of the State, and (3) to make recommendations to the Commission for the development of policies and practices that will aid in carrying out the purposes of this Act. Members of such committees shall serve without pay but shall be reimbursed for expenses incurred in such service. The Commission may make provision for technical and clerical assistance to the committee.

(n) to adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this act,

including regulations requiring the posting of notices prepared or approved by the Commission.

Section 503. (a) An individual claiming to be aggrieved by an unlawful practice, a member of the Commission, or the Attorney General may file with the Commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Commission to identify the persons charged (hereinafter the respondent). The Commission staff or a person designated pursuant to its rules shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within 5 days furnish the respondent with a copy of the complaint. The complaint must be filed within 180 days after the alleged unlawful practice occurs, except that a complaint alleging discrimination in employment (Article 3 of this Act) must be filed within 90 days.

(b) The Commission shall determine within 30 days after the complaint has been filed whether there is probable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the Commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, the Attorney General and such other public officers and persons as the Commission deems proper.

(c) The complainant, within 30 days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order. Upon such application, the Commission or an individual designated pursuant to its rules shall make a new determination whether there is probable cause to believe that the respondent has engaged in an unlawful practice. The Commission shall determine within 30 days after the application whether there is probable cause to believe that the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the Commission shall issue an order dismissing the complaint and furnishing a copy of the order to the complainant, the respondent,

the Attorney General, and such other public officers and persons as the Commission deems proper.

(d) If the staff determines, after investigation, or if the Commission determines after the review provided for in subsection (c) that there is probable cause to believe that the respondent has engaged in an unlawful practice, the Commission staff shall endeavor to eliminate the alleged unlawful practice by conference, conciliation and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the Commission or its staff and the respondent. If a conciliation agreement is entered into, the Commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent, the Attorney General, and such other public officers and persons as the Commission deems proper. Except for the terms of the conciliation agreement, neither the Commission or any officer or employee thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion whether or not there is a determination of probable cause or a conciliation agreement.

(e) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the Commission shall take such action as it deems appropriate to assure compliance.

(f) At any time after a complaint is filed, the Commission may file an action in the circuit court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this article, including an order or decree restraining him from doing or procuring any act tending to render

ineffectual any order the Commission may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper.

Section 504. (a) Within 60 days after a complaint is filed, unless the Commission has issued an order dismissing the complaint or stating the terms of a conciliation agreement or within 30 days after an application for review is filed under Section 503 (c), the Commission shall serve on the respondent by registered or certified mail a written notice, together with a copy of the complaint as it may have been amended, requiring the respondent to answer the allegations of the complaint at a hearing before one or more members of the Commission or an individual designated pursuant to its rules, at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant, the Attorney General, and such other public officers and persons as the Commission deems proper.

(b) A member of the Commission who filed the complaint or endeavored to eliminate the alleged unlawful practice by conference, conciliation or persuasion, shall not participate in the hearing or in the subsequent deliberation of the Commission.

(c) The respondent may file an answer with the Commission by registered or certified mail not less than 5 days before the hearing date. The Commission or the complainant may amend a complaint and the respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had the opportunity of a hearing on the complaint or amendment on which the order is based.

(d) The case in support of the complaint shall be presented before the Commission by one of its attorneys or staff. Efforts at conference, conciliation, and persuasion shall not be received in evidence.

(e) A respondent who has served an answer or whose default in answering has been set aside for good cause shown may appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant, the Attorney General, and, in the discretion of the Commission, any person may intervene, examine and cross-examine witnesses, and present evidence.

(f) If the respondent fails to answer the complaint, the Commission may enter his default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.

(g) Testimony taken at the hearing shall be under oath and transcribed. The rules of evidence prevailing in courts need not be observed. After the hearing, in its discretion, the Commission upon notice to all parties with an opportunity to be present may take further evidence or hear argument.

Section 505. If the Commission determines that the respondent has not engaged in an unlawful practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the Attorney General, and such other public officers and persons as the Commission deems proper.

Section 506. (a) If the Commission determines that the respondent has engaged in an unlawful practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this Act. A copy of the order shall be delivered to the respondent, the complainant, the Attorney General, and to such other public officers and persons as the Commission deems proper.

(b) Affirmative action ordered under this section may include but is not limited to

(1) hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable;

(2) admission or restoration of individuals to union membership, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs;

(3) admission of individuals to a place of public accommodation, resort, or amusement;

(4) the extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;

(5) reporting as to the manner of compliance;

(6) posting notices in conspicuous places in the respondent's place of business in form prescribed by the Commission;

(c) The Commission may publish or cause to be published the names of persons who have been determined to have engaged in an unlawful practice.

Section 507. (a) A complainant, respondent, or intervenor aggrieved by an order of the Commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review, and the Commission may obtain an order of the court for enforcement of its order, in a proceeding brought in the Circuit Court in a county in which the alleged unlawful practice which is the subject of the order or complaint occurs or in which a respondent resides or transacts business.

(b) The proceeding for review or enforcement is initiated by filing a complaint in the court. Copies of the complaint shall be served upon all parties of record. Within 30 days after the service of the complaint upon the Commission or its filing by the Commission, or within such further time as the court may allow, the Commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The findings of fact of the Commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the Commission, or remanding the case to the Commission for further proceedings. All such proceedings shall be heard and determined by the Circuit Court and Court of

Appeals as expeditiously as possible and with lawful precedence over other matters.

(c) If the Commission has failed to schedule a hearing in accordance with Section 504 (a) or has failed to issue an order within 180 days after the complaint is filed, the complainant, respondent, Attorney General, or an intervenor may petition the Circuit Court in a county in which the alleged unlawful practice set forth in the complaint occurs or in which the petitioner resides or transacts business for an order directing the Commission to take such action. The court shall follow the procedure set forth in subsection (b) so far as applicable.

(d) An objection not urged before the Commission shall not be considered by the court, unless the failure to urge that objection shall be excused because of good cause shown. A party may move the court to remand the case to the Commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows good cause for the failure to adduce such evidence before the Commission.

(e) The jurisdiction of the Circuit Court shall be exclusive and its final judgment or decree shall be subject to review by the Court of Appeals as provided by the Rules of Civil Procedure. The Commission's copy of the testimony shall be available to all parties for examination without cost during business hours at the Commission's office in Frankfort.

(f) A proceeding under this section must be initiated within 30 days after a copy of the order of the Commission is received, unless the Commission is the petitioner or the petition is filed under subsection (c). If no proceeding is so initiated, the Commission may obtain a decree of the court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent.

Section 508. (a) In connection with an investigation of a complaint filed under this Act, the Commission or its designated representative at any reasonable time shall have access to premises, records, and documents relevant to the complaint and the right to examine, photograph and copy evidence.

(b) Every person subject to this Act shall (1) make and

keep records relevant to the determination of whether unlawful practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this Act or the regulations or orders thereunder.

(c) The Commission, by regulation, shall require each person subject to this Act which controls an apprenticeship or other training program to keep all records reasonably necessary to carry out the purpose of the Act, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and shall furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training programs.

(d) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of the regulation or order. If the Commission finds that the application of the regulation or order to the person in question would impose an undue hardship, the Commission may grant appropriate relief.

(e) So as to avoid undue burdens on persons subject to the Act, records and reports required by the Commission under this section shall conform as near as may be to similar records and reports required by federal law and the laws of other states and to customary record-keeping practice.

(f) It is unlawful for a Commissioner or employee of the Commission to make public with respect to a particular person without his consent information obtained by the Commission pursuant to its authority under this section except as reasonably necessary to the conduct of a proceeding under this Act.

(g) If a person fails to permit access, examination, photographing or copying or fails to make, keep, or preserve records or make reports in accordance with this section, the Circuit Court for the county in which such person is found, resides, or transacts business, upon application of the Commission, may issue an order requiring compliance.

Section 509. (a) Upon written application to the Commission a party to a proceeding is entitled as of right to the issue of subpoenas in the name of the Commission by an individual designated pursuant to its rules requiring attendance and the giving of testimony and the production of documents. A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena was issued. On petition of the individual to whom the subpoena is directed and notice to the requesting party, the Commission or an individual designated pursuant its rules may vacate or modify the subpoena.

(b) Depositions of witnesses may be taken under rules prescribed by the Commission.

(c) If a person fails to comply with a subpoena, the Circuit Court for the county in which the person is found, resides, or transacts business, upon application of the Commission or the party requesting the subpoena, may issue an order requiring compliance. In any proceeding brought under this section, the court may modify or set aside the subpoena.

Article 6

Section 601. It shall be an unlawful practice for a person, or for two or more persons to conspire:

(a) to retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Act, or because he has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this Act; or

(b) to aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this Act; or

(c) to obstruct or prevent a person from complying with the provisions of this Act or any order issued thereunder; or

(d) to resist, prevent, impede, or interfere with the Commission, or any of its members or representatives, in the lawful performance of duty under this Act.

Section 602. A person who wilfully engages in the practices declared unlawful by Sections 507 (f) and 601 is guilty of a mis-

demeanor and shall be fined not more than $100, or imprisoned for not more than 30 days, or both.

Section 603. It is an unlawful practice for a party to a conciliation agreement made pursuant to Section 503 (d) of this Act to violate the terms of the agreement.

Section 604. (a) Nothing contained in this Act shall be deemed to repeal any other law of this State relating to discrimination because of race, color, religion, and national origin; exception, Section 19.010 and 19.050 of the Kentucky Revised Statutes are repealed.

(b) Neither the Commission nor any court of this State shall take jurisdiction over any claim of an unlawful practice under this Act while a claim of the same person seeking relief for the same grievance is pending. A final determination of a claim alleging an unlawful practice under this Act shall exclude any other action or proceeding brought by the same person based on the same grievance.

Section 605. The production of a written, printed, or visual communication, advertisement, or other form of publication, or a written inquiry, or record, or other document purporting to have been made by an individual shall be prima facie evidence in a proceeding under this Act that it was authorized by the individual.

Article 7

Section 701. Cities and counties are authorized to adopt and enforce ordinances, orders, and resolutions prohibiting discrimination on the basis of race, color, religion, or national origin, and to prescribe penalties for violations thereof, such penalties being in addition to the remedial orders and enforcement herein authorized.

Section 702. (a) Any city or county, or one or more cities and counties acting jointly, may create a human rights commission (hereinafter a "local Commission")

(1) to provide for execution within its jurisdiction of the policies embodied in this Act and the Civil Rights Act of 1964 (78 Stat. 241); and

(2) to safeguard all individuals within its jurisdiction from discrimination because of race, color, religion, or national origin.

Section 703. A local commission may be authorized to:

(a) receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the city or county.

(b) compel the attendance of witnesses and the production of evidence before it by subpoena issued by the circuit court of the county wherein the local commission is authorized to act.

(c) issue remedial orders, after notice and hearing, requiring cessation of violations.

(d) issue such affirmative orders as in the judgment of the local commission will carry out the purposes of this Act. Affirmative action ordered may include but is not limited to the remedies enumerated in Section 506 (b).

(e) employ an executive director, attorneys, hearing examiners, clerks and other employees and agents.

(f) accept grants, gifts, or bequests, public or private to help finance its activities.

Section 704. The proceeding for enforcement of a local commission order is initiated by filing a complaint in the circuit court. Copies of the complaint shall be served upon all parties of record. Within 30 days after the filing of the complaint by the local commission, or within such further time as the court may allow, the local commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened. The findings of fact of the local commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the local commission, or remanding the cases to the local commission for further proceedings. All such proceedings shall be heard and determined by the circuit court and the

Court of Appeals as expeditiously as possible and with lawful precedence over other matters.

Section 705. A local Commission established pursuant to this Act may:

(a) enter into cooperative working agreements with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that Act; and with any federal or state agency in order to achieve the purposes of this Act;

(b) in its discretion, or upon request of the Commission, refer a matter under its jurisdiction to the Commission for initial action or review;

(c) refer to the Commission for resolution a dispute over jurisdiction or other matter with another local commission;

(d) provide a copy of its annual report to the Commission.

Section 706. The Commission may enter into cooperative working agreements with local commissions which have enforceable ordinances, orders, or resolutions and professional staff under the provisions of Section 703.

Section 707. Nothing in this Act shall be construed as indicating an intent to exclude local laws on the same subject matter not inconsistent with this Act.

Committee Amendment No. 1 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 15, line 19, by:
striking the word "served" and inserting the word "filed";
and on page 15, line 21, by striking the words "with or without representation";
and on page 16, lines 3 and 4, by striking the sentence: "The rules of evidence prevailing in courts need not be observed."

Committee Amendment No. 2 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 21, lines 18 and 19 by:
striking the words "under rules prescribed by the Commission" and inserting in lieu thereof the words "as prescribed by the Rules of Civil Procedure."

Committee Amendment No. 3 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 9, line 22, by:

changing the word "attorney" to read "attorneys";

and on page 10, line 4, by changing the word "sections" to read "section";

and on page 13, line 21, by changing the word "or" to read "nor";

and on page 20, line 21, by changing the first "the" in line 21 to read "this";

and on page 22, line 15, by changing the figure "507" to read "508";

and on page 22, line 24, by changing the word "section" to read "sections";

and on page 25, line 1, by changing the word "cases" to read "case."

Committee Amendment No. 4 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 5, lines 20-25, by:

striking lines 20 through 25 in their entirety.

Committee Amendment No. 5 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 7, lines 16 and 21, by:

amending the phrase "number of percentage" to read "number or percentage."

Committee Amendment No. 6 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 8, line 12, by:

inserting after the word "accommodation" the words ", resort or amusement".

Committee Amendment No. 7 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 9, line 18, by:

striking the words "it may deem necessary" and inserting in lieu thereof the words "may be deemed necessary";

and on page 10, line 9, by adding after the word "payments" the word ", public."

Committee Amendment No. 8 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 12, line 19, by:

striking the figure "30" and inserting in lieu thereof the figure "10";

and on page 12, line 23, by inserting after the word "determination" the words "within 10 days.";

and on page 12, lines 25 through 28, by striking the sentence: "The Commission shall determine within 30 days after the application whether there is probably cause to believe that the respondent has engaged in an unlawful practice."

Committee Amendment No. 9 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 14, line 11, by:

striking "transacts business" and inserting in lieu thereof "has his principal place of business";

and on page 17, line 25, by striking "transacts business" and inserting in lieu thereof "has his principal place of business";

and on page 18, line 24, by striking "transacts business" and inserting in lieu thereof "has his principal place of business";

and on page 21, lines 5 and 6, by striking "transacts business" and inserting in lieu thereof "has his principal place of business";

and on page 21, lines 21 and 22, by striking "transacts business" and inserting in lieu thereof "has his principal place of business."

Committee Amendment No. 10 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 18, lines 27 and 28, by:

and page 19, line 1,

by striking the sentence: "An objection not urged before the Commission shall not be considered by the court, unless the failure to urge that objection shall be excused because of good cause shown." and inserting in lieu thereof "The court shall not consider any matter not considered by, nor any objection not raised before, the Commission, unless the failure of a party to present such matter to or raise such objection before the Commission is excused because of good cause shown."

Committee Amendment No. 11 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 19, line 22, by: striking the words "shall have" and inserting the words "may request."

Committee Amendment No. 12 to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 23, line 21, by: inserting before the word "civil" the word "federal";

and on page 25, line 10, by inserting before the word "civil" the word "federal."

## Introduction of Bills and Resolutions

**HB 22,** by Representative DeMarcus: AN ACT relating to the levy and assessment of property taxes.

**HB 23,** by Representative DeMarcus: AN ACT relating to petty loan companies.

**HB 24,** by Representatives Floyd, Bicknell, DeMarcus and Short: AN ACT relating to peace officers.

**HB 25,** by Representatives Floyd, Bicknell, Ball, DeMarcus and Short: AN ACT relating to jurors.

**HB 26,** by Representative Murphy: AN ACT relating to circuit courts.

**HB 27,** by Representative Murphy: AN ACT relating to divorce proceedings.

**HB 28,** by Representative Dempsey: AN ACT relating to teachers' retirement.

**HB 29,** by Representative Dempsey: AN ACT relating to the election of school board members.

**HB 30,** by Representative Dempsey: AN ACT relating to education.

**HB 31,** by Representative Isler: AN ACT relating to primary elections.

**HB 32,** by Representatives Morgan, Roberts, DeMarcus, C. R. Miller, Johnson, W. J. Reynolds, Keene, Bourne, Denham, Allen, Smothers, Archie Brown, McCowan, McIntyre, Martin, Arnett,

Maddox, Wells, White, Clapp, Ostertag, Tucker, Stuart, Irick, Harris, Young, Russell Reynolds, Siemens, Eicher, Watkins, McBrayer, Henry, Hoffman, John D. Miller, Carroll, Howard Hunt, Jr., Chapman, Whitlock, Barber, Criscillis, Chaudoin, Majors, Sheehan, Hale, Kelly, Kessinger, Blume, Sartin, Brady, Harper, James E. Hunt, Secrest, Hopkins, Cox, Murphy, Straney, Floyd, Buky, E. G. Brown, Wright and Jones: AN ACT relating to monthly expense allowances for the General Assembly.

**HB 33,** by Representative Harper: AN ACT relating to Congressional Districts, and declaring an emergency.

**HB 34,** by Representative Smith: AN ACT relating to records of school accidents.

**HB 35,** by Representatives McNamara, Jordan, Hinkle, Smith, Kelly, Isler, Straney and Hardin: AN ACT relating to pay of election officers.

**HB 36,** by Representative John Y. Brown: AN ACT relating to the regulation and control of strip mining and providing for the administration thereof, the enactment of an Interstate Surface Mining Compact, and the providing for the reclamation of orphan spoil banks.

**HB 37,** by Representatives Harper, Ball and Floyd: AN ACT relating to Savings and Loan Associations.

**HB 38,** by Representative John D. Miller: AN ACT relating to police courts in cities of the second class.

**HB 39,** by Representatives John D. Miller and Hoffman: AN ACT relating to city officials and employees.

**HR 9,** by Representatives Caldwell, Dempsey, Buky, Hoe, Archie Brown, Wright, Peace, Short, Harper, Hislope, Floyd, Clark, Bicknell, Russell, Wheeler, Criscillis, Jones, and Riddle: A RESOLUTION directing that non-resident students pay increased tuition at institutions of higher learning in the state.

Representative John Y. Brown moved that the House adjourn until 10 a.m., Thursday, January 13, 1966.

On the roll call the vote was yeas 32—Ballenger, Barber, Bondurant, Bourne, Bruce, Clark, Dempsey, Denham, Floyd,

Hale, Henry, Hoe, Hopkins, Howard P. Hunt, Jr., Irick, Kelly, Kessinger, King, Lassiter, Martin, McIntyre, Osborn, Pile, Russell, Siemens, Smothers, Stuart, Wallace, Warders, Wheeler, Whitlock, Young. Nays 43—Allen, Arnett, Ball, Bates, Bicknell, Billings, Blume, Brady, Archie Brown, E. G. Brown, Buky, Caldwell, Chapman, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Harper, Hinkle, Hislope, Hoffman, James E. Hunt, Isler, Jones, Keene, Leeds, Majors, McCowan, McNamara, John D. Miller, Ostertag, Peace, Peniston, Riddle, Sartin, Secrest, Sheehan, Vanover, Watkins, Wells, White, Wright.

The motion to adjourn was rejected.

Representative DeMarcus moved that **HB 2** be made a Special Order for Monday, January 17, 1966.

The Speaker Pro Tempore ruled the motion out of order.

Representative Dempsey moved that the House adjourn until 1 p.m., Thursday, January 13, 1966.

On the roll call the vote was yeas 64—Arnett, Ballenger, Barber, Bates, Billings, Blume, Bondurant, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Chapman, Chaudoin, Clark, Cox, Criscillis, Dempsey, Denham, Floyd, Hale, Hardin, Harper, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Isler, Jones, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Majors, McCowan, McIntyre, McNamara, John D. Miller, Peace, Peniston, Pettit, Riddle, Russell, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Tucker, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Wright. Nays 6—Ball, Bruce, Pile, Stuart, Whitlock, Young.

The motion to adjourn was adopted.

## THURSDAY, JANUARY 13, 1966

## NINTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Sheehan, Smith and Warders.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 12, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

Representative Peniston moved that the House recess for Democratic Caucus. Agreed.

Representative Ball called a Republican Caucus.

**HR 13,** by Representative Morgan: A RESOLUTION directing the Legislative Research Commission to study the practicality of establishing a computer data processing system for state government.

WHEREAS, there is an increasing data processing workload resulting from increasing population, expanding government services and a growing interest in improving the operations and decisions through the use of more extensive data; and

WHEREAS, in the near future, the technological capabilities of information-handling equipment will be sufficient to handle any foreseeable data processing task required by state government; and

WHEREAS, computers are being used in some areas of state government at the present time with a great deal of success, especially in the areas of Public Works, Revenue, Finance, and Employment;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission is directed to study the practicality of establishing a computer data processing system for state government.

Section 2. That the Legislative Research Commission report its findings to the 1968 regular session of the General Assembly.

Representative Morgan moved the adoption of **HR 13.** Agreed.

**HR 12,** by Representatives Harper, Dempsey, Hoe, Wright, Russell, Wheeler, Short, Eicher, Hislope, Ballenger, Warders, Clark, Caldwell, Kessinger, Bicknell, Brady, James E. Hunt, Sartin, Buky, Floyd and Riddle. A RESOLUTION to amend Rule No. 37 of the Rules of the House of Representatives.

Representative Caldwell moved the adoption of **HR 12.**

**HR 12** was defeated.

Representative McCowan requested permission to be recorded as voting "nay" on the Previous Question on **HB 1** during passage on January 12, 1966. Agreed.

**HR 11,** by Representatives Bruce and Hardin: A RESOLUTION congratulating the Hopkinsville football team and coaching staff on their undefeated season.

WHEREAS, the Hopkinsville Tigers won fourteen games without a loss during the 1965 season, a feat never before accomplished in the football history of the Commonwealth; and

WHEREAS, the Tigers were rated the No. 1 team in every poll taken in the state and were the Class AA champions and undisputed state champions; and

WHEREAS, this record was made possible because of the tremendous team effort on the part of every player and the entire coaching staff, Fleming D. Thornton who was selected "Coach of

the Year", Jake Hallum, Lester McCormick and Pete Rembert; and

WHEREAS, the fine record compiled by the Tigers reflects credit upon the players, their parents, school and community;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives of the General Assembly of the Commonwealth of Kentucky hereby extends its heartiest congratulations to the Hopkinsville Tigers football team and coaching staff.

Section 2. That the Chief Clerk of the House of Representatives transmit a copy of this resolution to each player and coach of the Hopkinsville Tigers.

Representative Hardin moved the adoption of **HR 11.**

On the roll call the vote was yeas 79—Allen, Arnett, Ballenger, Barber, Bartley, Bates, Bicknell, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Dempsey, Denham, Floyd, Hale, Hardin, Harper, Henry, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jones, Jordan, Keene, Kelly, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Ostertag, Peniston, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 1—Clark.

**HR 11** was passed and the title agreed to.

**HR 10,** by Representative Henry: A RESOLUTION requesting the Department of Parks to locate a state park in the northern part of Scott County.

WHEREAS, the topography and landscape of the northern part of Scott County is representative of that of much of the Bluegrass Region of Kentucky; and

WHEREAS, the population that a park in the northern part of Scott County would serve incorporates two hundred forty-seven thousand persons in counties adjacent to Scott County as well as the population centers of Louisville, Cincinnati and Northern Kentucky; and

WHEREAS, the transportation facilities to a park in the northern part of Scott County make such a park easily accessible from these population centers by means of the interstate highway network; and

WHEREAS, the economic stimulus of a park in the northern part of Scott County would be felt in all of the counties adjacent to Scott County and would be beneficial to the whole Commonwealth; and

WHEREAS, the conservation programs that a park in the northern part of Scott County would initiate, would be beneficial to the water, woodlands and wildlife resources of the Commonwealth and would also provide excellent recreation opportunities;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Department of Parks be and it is hereby requested to locate and establish a state park in the northern part of Scott County.

Section 2. That copies of this resolution be forwarded by the clerk of this House to the Governor and to the Commissioner of Parks.

Representative Henry moved the adoption of **HR 10.** Agreed.

## Committee Appointments

The Committee on Committees announced the following Committee appointments:

### Agriculture

Ralph Bates (D), Chairman
John Henry Cox (D), Vice Chairman

Paul Allen (D)
Raymond Barber (D)
Bernard Billings (D)
James E. Bondurant (D)
Edward G. Brown (D)
James E. Bruce (D)
Otis Chaudoin (D)
William H. DeMarcus (R)
Brooks Hinkle (D)
Howard Hunt (D)
Stuart Kelly (D)
Henry Maddox (D)
Dexter McCowan (R)
Nell Guy McNamara (D)
Will K. Peace (R)
Russell Reynolds (D)
Wayne Secrest (R)
Martin L. Straney (D)
Sam H. Watkins (D)
Franklin Webster (D)
Paul Young (D)
Joseph B. Keene (D)
Lloyd Clapp (D)
Robert L. Leeds (D)
Sherman R. Arnett (D)
Dan J. Roberts (D)
C. H. Pile (D)
Richard Hopkins (D)
Siler Floyd (R)
John Stanley Hoffman (D)
Mitchel B. Denham (D)
Damon Majors (D)
Buford Clark (R)
Archie Brown (R)
Frank Sartin (R)
Bill Criscillis (D)
Theron Kessinger (R)
John C. Bourne (D)
Leonard Hislope (R)
Wallace Bartley (R)

### Aviation

Dan Roberts (D), Chairman
Bruce E. Blythe (R), Vice Chairman

B. E. Billings (D)
Edward G. Brown (D)
W. H. DeMarcus (R)
Damon Majors (D)
Buford Clark (R)
George R. Siemens (D)
Ted R. Osborn (D)
John Y. Brown (D)
John Smothers (D)
James E. Whitlock (D)

**Banks and Banking**

Paul Young (D), Chairman
Sam H. Watkins (D), Vice Chairman

Paul Allen (D)
Norbert Blume (D)
James E. Bondurant (D)
Edward Brown (D)
W. H. DeMarcus (R)
John O. Hardin, III (D)
Kenneth Harper (R)
Brooks Hinkle (D)
Leonard Hislope (R)
Harry Hoe (R)
John Isler (D)
Stuart Kelly (D)
Henry Maddox (D)
Dexter McCowan (R)
James Murphy (D)
Russell Reynolds (D)
W. R. Smith (D)
Shelby McCallum (D)
Sherman R. Arnett (D)
Raymond H. Barber (D)
Damon Majors (D)
W. K. Henry (D)
R. E. Hale (D)
Eugene Stuart (R)
John Y. Brown (D)
Louis T. Peniston (D)
Martin Straney (D)
Lloyd Clapp (D)

**Charitable Institutions**

C. H. Pile (D), Chairman
Wallace Bartley (R), Vice Chairman

Don Ball (R)
Nell Guy McNamara (D)
Raymond H. Barber (D)
John D. Miller (D)
Richard Hopkins (D)
Dexter McCowan (R)
Will K. Peace (R)

**Classification of Cities**

Henry Maddox (D), Chairman
Bill Criscillis (D), Vice Chairman

Will K. Peace (R)
George F. Harirs (D)
C. H. Pile (D)
John M. Smothers (D)
W. J. Reynolds (D)

**Compensation for Industrial Injuries**

Ben Martin (D), Chairman
John D. Miller (D), Vice Chairman

Russell Reynolds (D)
Howard Hunt (D)
Phillip E. King (D)
Charles W. Vanover (R)
Theron Kessinger (R)
Norbert Blume (D)
John O. Hardin, III (D)
Charles D. Wheeler (R)

**Conservation**

James Bondurant (D), Chairman
Dan J. Roberts (D), Vice Chairman

Stuart Kelly (D)
W. J. Reynolds (D)
Franklin Webster (D)
Joseph B. Keene (D)
Louis Peniston (D)
Alex McIntyre, Jr. (R)
Jesse O. Johnson (R)
Raymond Barber (D)
Mrs. Nell McNamara (D)
Don Ball (R)
Eugene P. Stuart (R)
James M. Caldwell (R)
A. E. Tucker (D)
Ted R. Osborn (D)

**Constitutional Amendments**

Louis Peniston (D), Chairman

Julian Carroll (D)
Kenneth Harper (R)
H. Foster Pettit (D )
John Smothers (D)
James Whitlock (D)
Phillip E. King (D)
James M. Caldwell (R)
Charles Lassiter (D)
Mrs. Nell Guy McNamara (D)
Bob Henry Eicher (R)

**County Government**

W. R. Smith (D), Chairman
John Hoffman (D), Vice Chairman

Paul Allen (R)
Raymond Barber (D)
W. H. DeMarcus (R)
Alex McIntyre, Jr. (R)
C. H. Pile (D)
John E. White (R)
George Harris (D)
Damon Majors (D)
Dan Roberts (D)
Dexter McCowan (R)
W. J. "Bill" Reynolds (D)
M. T. Riddle (R)
Wallace Bartley (R)
Fred Morgan (D)
Dexter Wright (R)
Eugene Ostertag (D)

**Courts and Legal Procedure**

Foster Pettit (D), Chairman
Terry McBrayer (D), Vice Chairman

James E. Bondurant (D)
Julian Carroll (D)
John Hardin, III (D)
Louis Peniston (D)
Phillip E. King (D)
Buford Clark (R)
John S. Hoffman (D)
John Miller (D)
Gus Sheehan, Jr. (D)
Eugene Stuart (R)

**Criminal Law**

John Hardin (D), Chairman

James Bondurant (D)
Julian Carroll (D)
Louis Peniston (D)
Foster Pettit (D)
Phillip King (D)
John Miller (D)
John Hoffman (D)
Terry McBrayer (D)
Eugene Ostertag (D)
M. T. Riddle (R)

**Drainage and Water Districts**

William R. "Bill" Jordan (D), Chairman
John E. White (R), Vice Chairman

Norbert L. Blume (D)
Charles Jones (R)
Dexter S. Wright (R)
M. T. "Tommy" Riddle (R)
Lloyd Clapp (D)
John Stanley Hoffman (D)
Paul Allen (D)
Louis T. Peniston (D)
George R. Siemens (D)
James E. Bruce (D)
Mitchel B. Denham (D)
Leonard Hislope (R)

**Education**

Brooks Hinkle (D), Chairman
Gether Irick (D), Vice Chairman

Don Ball (R)
Raymond Barber (D)
Archie Brown (R)
James E. Bruce (D)
Thomas Chapman (D)
W. H. DeMarcus (R)
Albert Dempsey (R)
John Hardin, III (D)
Kenneth Harper (R)
J. O. Johnson (R)
Stuart Kelly (D)
Charles Lassiter (D)
Dexter McCowan (R)
Mrs. Nell McNamara (D)
Will K. Peace (R)
W. J. Reynolds, Jr. (D)
Allen E. Russell (R)
Martin Straney (D)
A. E. Tucker (D)
Sam H. Watkins (D)
Franklin Webster (D)
Charles Wheeler (R)
John E. White (R)
Sherman R. Arnett (D)
Bill Criscillis (D)
Richard (Hoppy) Hopkins (D)
Alex McIntyre, Jr. (R)
Buford Clark (R)
Dan J. Roberts (D)
George R. Siemens (D)
Paul Allen (D)
Bob Henry Eicher (R)
W. Terry McBrayer (D)
C. H. Pile (D)
Phillip E. King (D)
Siler Floyd (R)
Damon Majors (D)
John D. Miller (D)
John Stanley Hoffman (D)
James E. "Big Jim" Hunt (R)
Jesse P. Warders (R)
Ben Martin (D)
C. H. Bicknell (R)
Henry Maddox (D)
Charles J. Jones (R)
Wallace Bartley (R)

**Elections**

Mrs. Nell Guy McNamara (D), Chairman
Louis Ballenger (R), Vice Chairman

Paul Allen (D)
R. E. Billings (D)
R. E. Hale (D)
Kenneth Harper (R)
Charles Jones (R)
Charles Lassiter (D)
James Murphy (D)
Allen Russell (R)
John E. White (R)
W. R. Smith (D)
Ted R. Osborn (D)

**Enrollment**

John J. Isler (D), Chairman
Thomas E. Chapman (D), Vice Chairman

James E. Bondurant (D)
W. K. Henry (D)
Mrs. Nell Guy McNamara (D)
Julian Carroll (D)

**Executive Affairs**

Franklin Webster (D), Chairman
Phillip E. King (D), Vice Chairman

Ralph Bates (D)
James Caldwell (R)
Sherman R. Arnett (D)
Archie Brown (R)
W. Terry McBrayer (D)
Kenneth F. Harper (R)

**Fish and Game**

George Harris (D), Chairman
Will K. Peace (R), Vice Chairman

Raymond Barber (D)
Ralph Bates (D)
Fallis V. Buky (R)
Otis Chaudoin (D)
Howard Hunt (D)
Oz Johnson (R)
Stuart Kelly (D)
Russell Reynolds (D)
Wayne Secrest (R)
A. E. Tucker (D)
Fred Wallace, Jr. (R)
Franklin Webster (D)
John C. Bourne (D)
Lloyd Clapp (D)
Thomas Chapman (D)
Siler Floyd (R)
John E. White (R)
Dan Roberts (D)
Alex McIntyre (R)
Louis Peniston (D)
Terry McBrayer (D)
Leonard Hislope (R)

**Forestry**

Paul Allen (D), Chairman

B. E. Billings (D)
Fallis Buky (R)
Leonard Hislope (R)
Dexter McCowan (R)
Bill Criscillis (D)
Theron Kessinger (R)
Sherman R. Arnett (D)
C. H. Pile (D)
Joseph Bernard Keene (D)
Russell Reynolds (D)
James E. Bruce (D)

**Governmental Affairs**

George Siemens (D), Chairman
James M. Caldwell (R), Vice Chairman

Charles Jones (R)
John Smothers (D)
Sam Watkins (D)
L. B. Wells (D)
Edward Brown (D)
Clarence Miller (D)
Jesse Warders (R)
C. H. Pile (D)
Don Ball (R)
Charles Brady (R)
George Harris (D)

**Higher Education**

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Raymond Barber (D), Vice Chairman

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Bruce Blythe (R)
E. G. Brown (D)
Thomas Chapman (D)
John Hardin, III (D)
Leonard Hislope (R)
Jesse O. Johnson (R)
Charles Lassiter (D)
H. Foster Pettit (D)
Franklin Webster (D)
Buford Clark (R)
Sherman Arnett (D)
Bill Criscillis (D)
Bob Henry Eicher (R)
Bob Leeds (D)
Fred Morgan (D)
Henry Overman (D)
A. E. Tucker (D)
W. Terry McBrayer (D)
Jesse Warders (R)

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Howard Hunt (D), Vice Chairman

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B. E. Billings (D)
Norbert Blume (D)
James E. Bruce (D)
Dr. Mitchel Denham (D)
Fred Morgan (D)
James Murphy (D)
Russell Reynolds (D)
Wayne Secrest (R)
James E. Whitlock (D)
Dexter Wright (R)
Dan Roberts (D)
Oz Johnson (R)
Lloyd Clapp (D)
Ted Osborn (D)
James Hunt (R)
M. T. Riddle (R)
W. R. Smith (D)
Paul Short (R)
Bill Criscillis (D)
Bruce Blythe, Jr. (R)
Henry Overman (D)

**Judiciary and Judicial Council**

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John O. Hardin, III (D), Vice Chairman

John D. Miller (D)
Buford Clark (R)
John S. Hoffman (D)
Louis T. Peniston (D)
Terry McBrayer (D)
James Bondurant (D)
Robert Leeds (D)

**Kentucky Statutes # 3**

Eugene Ostertag (D), Chairman

Shelby McCallum (D)
Julian M. Carroll (D)
Dr. Mitchel Denham (D)
Louis T. Peniston (D)
John Y. Brown (D)
James E. Murphy (D)
William H. DeMarcus (R)

### Labor

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W. R. Jordan (D), Vice Chairman

Ralph Bates (D)
Louis E. Ballenger (R)
Thomas E. Chapman (D)
Gether Irick (D)
John Isler (D)
Jesse O. Johnson (R)
Charles Lassiter (D)
Alex McIntyre (R)
Clarence R. Miller (D)
James E. Murphy (D)
Shelby McCallum (D)
John Henry Cox (D)
Julian M. Carroll (D)
Edward G. Brown (D)
Charles J. Jones (R)
Fallis Vernon Buky (R)
Sam H. Watkins (D)
George F. Harris (D)
Richard Hopkins (D)
Damon Majors (D)
R. E. Hale (D)
Joseph Bernard Keene (D)
Foster Pettit (D)
Eugene Ostertag (D)
George R. Siemens (D)
Ben Martin (D)
Charles D. Wheeler (R)

### Legislative Affairs

Raymond Barber (D), Chairman
Eugene Stuart (R), Vice Chairman

Don Ball (R)
Shelby McCallum (D)
Louis Peniston (D)
C. H. Pile (D)
Allen Russell (R)
James Caldwell (R)
Paul Young (D)
George Harris (D)
Leonard Hislope (R)
John Henry Cox (D)
Wallace Bartley (R)
W. K. Henry (D)
Richard Hopkins (D)
Mitchel B. Denham (D)

### Library and Historical Records

Richard Hopkins (D), Chairman
Lloyd Clapp (D), Vice Chairman

Sherman R. Arnett (D)
Buford Clark (R)
Charlie Lassiter (D)
Gether Irick (D)
Mrs. Nell Guy McNamara (D)

### Mines and Minerals

Russell Reynolds (D), Chairman
John Bourne (D), Vice Chairman

Edward G. Brown (D)
Harry Hoe (R)
W. R. Jordan (D)
H. Foster Pettit (D)
W. J. Reynolds (D)
Fred Wallace (R)
Sam H. Watkins (D)
John Henry Cox (D)
Bob Henry Eicher (R)
John E. White (R)
Lloyd Clapp (D)
James E. "Big Jim" Hunt (R)
Damon Majors (D)
Paul Short (R)
Ted R. Osborn (D)
George R. Siemens (D)
W. R. Smith (D)
Louis E. Ballenger (R)

### Motor Transportation

Damon Majors (D), Chairman
Joseph Bernard Keene (D), Vice Chairman

Norbert Blume (D)
Archie Brown (R)
Brooks Hinkle (D)
James Murphy (D)
Sam H. Watkins (D)
John E. White (R)
Russell Reynolds (D)
Eugene Ostertag (D)
Ben Martin (D)
Harry M. Hoe (R)
George F. Harris (D)
Charles A. Brady (R)
William R. "Bill" Jordan (D)
Henry "Bud" Overman (D)
Phillip E. King (D)
A. E. Tucker (D)
Wallace Bartley (R)

### Municipalities

Clarence Miller (D), Chairman
Henry Overman (D), Vice Chairman

Louis E. Ballenger (R)
Norbert Blume (D)
Bruce Blythe (R)
Ralph Bates (D)
B. E. Billings (D)
Fallis Buky (R)
John Miller (D )
Fred Morgan (D)
James Murphy (D)
Ted Osborn (D)
Allen Russell (R)
George Siemens (D)

Jim Caldwell (R)
John O. Hardin, III (D)
John Hoffman (D)
Julian Carroll (D)
Lloyd Clapp (D)
Jesse O. Johnson (R)
Charles Jones (R)
Phillip King (D)
John Smothers (D)
Eugene Stuart (R)
Sam H. Watkins (D)
A. E. Tucker (D)
Charles Wheeler (R)
Dexter Wright (R)
Eugene Ostertag (D)
Thomas Chapman (D)

**National and Civil Defense**

W. J. Reynolds (D), Chairman
Gus Sheehan (D), Vice Chairman

John C. Bourne (D)
Thomas E. Chapman (D)
Wallace Bartley (R)
Frank C. Sartin (R)
James E. Bruce (D)
Sam H. Watkins (D)
Martin Straney (D)
John Hardin (D)
Charles J. Jones (R)
Otis R. Chaudoin (D)
George F. Harris (D)
William K. Henry (D)
Eugene P. Stuart (R)
Robert L. Leeds (D)
Ben Martin (D)
Theron Kessinger (R)
Paul Short (R)
Jesse P. Warders (R)
James E. Whitlock (D)
Damon Majors (D)

**Oil and Petroleum**

Sam H. Watkins (D), Chairman
Wayne Secrest (R), Vice Chairman

B. E. Billings (D)
Bruce Blythe (R)
Julian Carroll (D)
R. E. Hale (D)
Leonard Hislope (R)
Harry Hoe (R)
H. Foster Pettit (D)
Howard Hunt (D)
Clarence Miller (D)
Russell Reynolds (D)
W. J. Reynolds (D)
Charles D. Wheeler (R)
Paul Young (D)
Thomas Chapman (D)
John Miller (D)
Terry McBrayer (D)
Ted Osborn (D)
Wallace Bartley (R)

**Penal and Reformatory Institutions**

Charles Lassiter (D), Chairman
Alex McIntyre (R), Vice Chairman

Raymond Barber (D)
Edward G. Brown (D)
James E. Bruce (D)
Fallis Buky (R)
Otis R. Chaudoin (D)
John Hardin (D)
W. R. Jordan (D)
Dexter McCowan (R)
Will K. Peace (R)
John Smothers (D)
Fred Wallace, Jr. (R)
Franklin Webster (D)
Charles Brady (R)
Charles Vanover (R)
George Siemens (D)
Wayne Secrest (R)
Damon Majors (D)
Brooks Hinkle (D)
John D. Miller (D)
Archie Brown (R)

**Public Health**

A. E. Tucker (D), Chairman
Mitchel Denham (D), Vice Chairman

Ralph Bates (D)
R. E. Billings (D)
Archie Brown (R)
Charles Jones (R)
Shelby McCallum (D)
Mrs. Nell McNamara (D)
Clarence Miller (D)
Wayne Secrest (R)
Eugene Stuart (R)
John E. White (R)
George Siemens (D)
Bob Henry Eicher (R)
Richard Hopkins (D)
W. R. Smith (D)
Wallace Bartley (R)
John Henry Cox (D)
Siler Floyd (R)
William Jordan (D)
Ted R. Osborn (D)
Foster Pettit (D)

**Public Utilities**

R. E. Hale (D), Chairman
Fred Morgan (D), Vice Chairman

Louis Ballenger (R)
Norbert Blume (D)
James E. Bondurant (D)
Fallis V. Buky (R)
Dr. Mitchel Denham (D)
Kenneth F. Harper (R)
Brooks Hinkle (D)
Harry Hoe (R)
Howard Hunt (D)
Jesse O. Johnson (R)
Charlie Lassiter (D)
Clarence Miller (D)
Charlie Pile (D)
W. J. Reynolds (D)
Gus Sheehan, Jr. (D)
Martin L. Straney (D)
Eugene Stuart (R)
A. E. Tucker (D)
Fred Wallace (R)
Paul Young (D)
John Henry Cox (D)
Russell Reynolds (D)
Paul Short (D)
W. K. Henry (D)
John Miller (D)
Sam H. Watkins (D)
George Harris (D)
Phillip King (D)
Bob Henry Eicher (R)
George R. Siemens (D)
Louis Peniston (D)
James Caldwell (R)

**Railroads**

Paul E. Young (D), Chairman
Leonard Hislope (R), Vice Chairman

Ralph Bates (D)
Brooks Hinkle (D)
John Isler (D)
Jesse O. Johnson (R)
W. R. Jordan (D)
Stuart Kelly (D)
Clarence Miller (D)
Fred Morgan (D)
James Murphy (D)
Gus Sheehan, Jr. (D)
John Smothers (D)
Louis E. Peniston (D)
Wallace Bartley (R)
Dan J. Roberts (D)
Sam H. Watkins (D)
Eugene Ostertag (D)
Richard Hopkins (D)
George F. Harris (D)
A. E. Tucker (D)
Damon Majors (D)
John Henry Cox (D)
Howard Hunt (D)
Martin Straney (D)

**Regulation of Intoxicating Liquors**

James E. Murphy (D), Chairman
Clarence R. Miller (D), Vice Chairman

Ralph Bates (D)
Norbert Blume (D)
Fallis Buky (R)
Kenneth Harper (R)
Stuart Kelly (D)
Fred Morgan (D)
Russell Reynolds (D)
John Smothers (D)
Lynn B. Wells (D)
Paul Young (D)
John Henry Cox (D)
Joseph B. Keene (D)
John Miller (D)
Charles Brady (R)
John O. Hardin, III (D)
George Siemens (D)
Fred Wallace (R)
Eugene Ostertag (D)

**Revenue and Taxation**

Fred Morgan (D), Chairman
John M. Smothers (D), Vice Chairman

C. H. Pile (D)
James Caldwell (R)
R. E. Hale (D)
Shelby McCallum (D)
Louis Peniston (D)
Allen E. Russell (R)
A. E. Tucker (D)
James E. Hunt (R)
W. K. Henry (D)
Sam H. Watkins (D)
John C. Bourne (D)
Frank C. Sartin (R)
Paul Allen (D)
Henry Overman (D)
W. R. Smith (D)
M. T. Riddle (R)
Phillip E. King (D)
Charles D. Wheeler (R)

**Roads and Highways**

John Henry Cox (D), Chairman
Raymond H. Barber (D), Vice Chairman

Don Ball (R)
Bruce E. Blythe, Jr. (R)
James E. Bruce (D)
Thomas Chapman (D)
Dr. Mitchel Denham (D)
Brooks Hinkle (D)
Harry Hoe (R)
John Isler (D)
Charles Jones (R)
Charles Wheeler (R)
John E. White (R)
Sherman R. Arnett (D)
Charlie Lassiter (D)
Franklin Webster (D)
Frank C. Sartin (R)
Siler Floyd (R)
John Hoffman (D)
W. Terry McBrayer (D)

Stuart Kelly (D)
Henry Maddox (D)
Alex McIntyre, Jr. (R)
H. Foster Pettit (D)
C. H. Pile (D)
W. J. Reynolds, Jr. (D)
Allen E. Russell (R)
Wayne Secrest (R)
Eugene Stuart (R)
A. E. Tucker (D)
Fred Wallace, Jr. (R)
George R. Siemens (D)
Bill Criscillis (D)
John C. Bourne (D)
Phillip E. King (D)
Bob Henry Eicher (R)
Damon Majors (D)
B. E. Billings (D)
Dexter McCowan (R)
Gether Irick (D)
William R. Jordan (D)
Leonard Hislope (R)

**State Fair**

James E. Bruce (D), Chairman
Stuart S. Kelly (D), Vice Chairman

Paul Allen (D)
Bruce Blythe (R)
C. H. Pile (D)
Fred Wallace (R)
Dexter Wright (R)
Sam H. Watkins (D)
George R. Siemens (D)
Otis R. Chaudoin (D)
Joseph Bernard Keene (D)
Mrs. Nell G. McNamara (D)
C. H. Bicknell (R)
Gether Irick (D)
Brooks Hinkle (D)
James E. Bondurant (D)
Norbert Blume (D)
Robert L. Leeds (D)

**State Parks**

Edward G. Brown (D), Chairman
Robert L. Leeds (D), Vice Chairman

Fred Morgan (D)
Sherman R. Arnett (D)
Fallis Buky (R)
Tom Chapman (D)
Otis R. Chaudoin (D)
Siler Floyd (R)
Harry M. Hoe (R)
John S. Hoffman (D)
Gether Irick (D)
Joseph Keene (D)
Charles Lassiter (D)
Damon Majors (D)
Ben Martin (D)
Terry McBrayer (D)
Shelby McCallum (D)
Mrs. Nell McNamara (D)
Will K. Peace (R)
W. J. Reynolds (D)
Dan J. Roberts (D)
George R. Siemens (D)
John E. White (R)
Leonard Hislope (R)
John C. Bourne (D)

**Veterans and Military Affairs**

Stuart Kelly (D), Chairman
William K. Henry (D), Vice Chairman

R. E. Hale (D)
Alex McIntyre, Jr. (R)
Wayne Secrest (R)
James E. Whitlock (D)
Dexter Wright (R)
Charles Brady (R)
Paul Short (R)
Franklin Webster (D)
Terry McBrayer (D)
C. H. Bicknell (R)
Robert Leeds (D)
Ben Martin (D)
Ted Osborn (D)
Jesse P. Warders (R)
L. B. Wells (D)
Paul Allen (D)
Lloyd Clapp (D)
Bill Jordan (D)
Henry Overman (D)

**Ways and Means**

Gether Irick (D), Chairman
Jesse Warders (R), Vice Chairman

James Caldwell (R)
Mitchel Denham (D)
Shelby McCallum (D)
Alex McIntyre, Jr. (R)
Fred Morgan (D)
Eugene Stuart (R)
Fred Wallace (R)
Sam H. Watkins (D)
John E. White (R)
Robert Leeds (D)
John Hoffman (D)
W. K. Henry (D)
C. H. Bicknell (R)
Ted Osborn (D)
Lynn B. Wells (D)
Paul Allen (D)
Otis Chaudoin (D)
Charles Vanover (R)

The Speaker vacated the Chair, Representative Bondurant presiding.

**Calendar**

**HB 2** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

**Introduction of Bills and Resolutions**

**HB 40,** by Representatives Peace, Clark and Dempsey: AN ACT relating to fish and wildlife resources.

**HB 41,** by Representatives Peace, Clark, Archie Brown and Dempsey: AN ACT relating to school services.

**HB 42,** by Representatives Harper, Ball, Bicknell, Buky, Brady, Caldwell, Clark, Eicher, Floyd, Hislope, Hoe, Johnson, Jones, Riddle, Russell, Sartin, Vanover, Wallace, Warders, Wheeler and Wright: AN ACT relating to Legislative Fiscal Analysis.

**HB 43,** by Representative Isler: AN ACT relating to planning and zoning in certain cities.

**HB 44,** by Representatives Riddle, Wallace, Warders, Eicher, Brady, Straney, McBrayer, Hoffman, John D. Miller and Jones: AN ACT relating to fire prevention and protection.

**HB 45,** by Representatives Blume, Siemens and C. R. Miller: AN ACT relating to unemployment insurance.

**HB 46,** by Representative Henry: AN ACT relating to revenue and taxation.

**HB 47,** by Representative Wells: AN ACT relating to Education.

**HB 48,** by Representatives Dempsey, Archie Brown, Peace, Short, Bicknell, Sartin, Floyd and White: AN ACT relating to public assistance.

**HB 49,** by Representative John D. Miller: AN ACT relating to pay of election officers.

**HB 50,** by Representatives DeMarcus, Eicher, Vanover, Hislope, Bicknell, Sartin, James E. Hunt, Brady, Short, Jones, Hoe, Dempsey, Stuart, Wheeler, Peace and Archie Brown: AN ACT relating to the supervision of the Federal Appalachian Program.

**HB 51,** by Representatives Bartley, Peace, McCowan, Lassiter, Archie Brown, Watkins, Whitlock and Dempsey: AN ACT relating to meat products.

**HB 52,** by Representative Bartley: AN ACT relating to natural gas companies.

**HB 53,** by Representatives Bruce, Straney, Hardin, Henry, Watkins, Young, Kelly, E. G. Brown, Pile, Barber, Majors, Morgan, Bates, Maddox, Chapman and Webster: AN ACT relating to meat products.

**HB 54,** by Representatives Watkins, Hardin, Bruce, McBrayer, Straney and Dempsey: AN ACT relating to historical automobiles.

**HB 55,** by Representative Jordan: AN ACT relating to workmen's compensation.

**HB 56,** by Representatives Jordan, Martin, Dempsey and Criscillis: AN ACT relating to unemployment insurance.

**HB 57,** by Representatives Jordan, Dempsey, W. J. Reynolds, C. R. Miller, Hopkins, Osborn, Hinkle, McNamara, Cox, Bruce, Martin and Criscillis: AN ACT relating to teachers.

**HB 58,** by Representative John Y. Brown: AN ACT relating to scenic enhancement.

**HB 59,** by Representative John Y. Brown: AN ACT relating to abandoned vehicles.

**HB 60,** by Representative John Y. Brown: AN ACT relating to narcotic drugs.

**HB 61,** by Representative John Y. Brown: AN ACT relating to venereal diseases.

**HB 62,** by Representative John Y. Brown: AN ACT relating to health, its control and administration.

**HB 63,** by Representative John Y. Brown: AN ACT relating to the naming of the Division of Rural Highways.

**HB 64,** by Representative John Y. Brown: AN ACT relating to plumbing, its control and administration.

**HB 65,** by Representative John Y. Brown: AN ACT authorizing the State Department of Health and local health departments to render home nursing care services and other health services and to charge fees therefor.

**HB 66,** by Representative John Y. Brown: AN ACT relating to public roads.

**HB 67,** by Representative John Y. Brown: AN ACT relating to payment of fees to local registrars, physicians and midwives for reporting and registering vital statistics.

**HB 68,** by Representative John Y. Brown: AN ACT regulating the placement of children across state lines.

Representative John Y. Brown moved that the House adjourn until 9 a.m., Friday, January 14, 1966.

Representative John Y. Brown amended the motion that the House adjourn until 10 a.m., Friday, January 14, 1966.

On the roll call the vote was yeas 58—Allen, Arnett, Barber, Bicknell, Blume, Brady, Archie Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Denham, Eicher, Floyd, Hale, Hardin, Harper, Hoe, Hoffman, Hopkins, James E. Hunt, Jones, Jordan, Keene, Kelly, Kessinger, Maddox, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Peniston, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Short, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Wright. Nays 3—King, Sartin, Siemens.

The motion to adjourn was adopted.

## FRIDAY, JANUARY 14, 1966

## TENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Brady, Carroll, Chaudoin, Harris, Howard P. Hunt, Jr., James E. Hunt, Leeds, Morgan, Osborn, Peace, Sartin, Smith, Smothers, Wells and Young.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 13, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 14**, by Representatives Riddle, Eicher, Vanover, Buky, Hislope, Jones, Archie Brown, Russell, Hoe, Floyd, Sartin and Harper: A RESOLUTION urging the Department of Public Safety to train as driver examiners persons other than state troopers.

**HR 15,** by Representatives Riddle, Eicher, Buky, Vanover, Hislope, Archie Brown, Jones, Kessinger, Wallace, Hoe, Floyd, Sartin, Ballenger, and Harper: A RESOLUTION commending the Division of State Police in the Department of Public Safety.

**HB 69,** by Representative Isler: AN ACT relating to appropriations by fiscal courts.

**HB 70,** by Representative Short: AN ACT relating to transportation of patients to state hospitals.

**HB 71,** by Representative Blume: AN ACT relating to Congressional Districts and declaring an emergency.

**HB 72**, by Representatives Denham, Roberts, Hinkle, Chapman, Straney, E. G. Brown, Barber, Howard Hunt, Jr., Chaudoin,

Short, W. J. Reynolds, Peniston, Jordan, John B. Miller, Hale, McNamara, Wheeler, Allen, Wright, Leeds, Bates, Hoffman, Russell, Clark, Smothers, Bourne, Keene, Lassiter, Irick, Dempsey, Wallace, Martin, Pile, Sheehan, Isler, Ostertag and Clapp: AN ACT relating to compensation of County Attorneys.

**HB 73,** by Representatives Hale, Ball, McNamara, McBrayer, Arnett, Hoffman and Lassiter: AN ACT pertaining to teachers' salaries calculated under Ranks I, II, III of KRS 157.390 and working budgets of local school districts.

**HB 74,** by Representative Johnson: AN ACT relating to motor vehicle registration.

Representative Dempsey moved that the House adjourn until 8 p.m., Monday, January 17, 1966.

On the roll call the vote was yeas 27—Ball, Ballenger, Bicknell, Billings, Blythe, Archie Brown, Buky, Caldwell, DeMarcus, Dempsey, Floyd, Hale, Henry, Hislope, Hoe, James E. Hunt, Johnson, Jones, McCowan, Riddle, Russell, Sartin, Secrest, Stuart, Warders, Wheeler, Wright. Nays 43—Allen, Barber, Bates, Blume, Bondurant, Bourne, E. G. Brown, John Y. Brown, Chapman, Clapp, Clark, Cox, Criscillis, Denham, Harper, Hopkins, Irick, Jordan, Keene, Kelly, Kessinger, Lassiter, Majors, Martin, McIntyre, McNamara, C. R. Miller, John D. Miller, Ostertag, Peniston, Pile, Russell Reynolds, Roberts, Siemens, Smothers, Straney, Tucker, Vanover, Wallace, Watkins, White, Whitlock, Young.

The motion to adjourn was rejected.

Representative Johnson moved that the House adjourn until 8 p.m., Monday, January 17, 1966.

On the roll call the vote was yeas 31—Ball, Ballenger, Bicknell, Billings, Blythe, Archie Brown, Buky, Caldwell, Clark, Criscillis, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, McIntyre, Clarence R. Miller, Riddle, Russell, Sartin, Secrest, Short, Vanover, Warders, Wheeler. Nays 33—Allen, Barber, Bates, Blume, Bondurant, John Y. Brown, Chapman, Cox, Denham, Hale, Henry, Hoffman, Hopkins, Irick, Isler, Jordan, Keene, Kelly, Majors, McBrayer, McNamara, John D. Miller, Peniston, Pile, Russell

Reynolds, Roberts, Sheehan, Siemens, Smothers, Straney, Tucker, Webster, Wright.

The motion to adjourn was rejected.

### Senate Message

Announcing passage of **HB 1.**

Representative Isler moved that the House recess for enrollment of **HB 1.** Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 1** had been examined and found correctly enrolled. **HB 1** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 1** delivered, signed by President. Ordered delivered to the Governor.

Representative Caldwell moved that the Clerk call the roll in order to establish a quorum.

The roll was called. Fifty-two members were present. Members answering the roll call are as follows: Allen, Barber, Bartley, Bates, Billings, Blume, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Caldwell, Chapman, Criscillis, Denham, Hale, Hardin, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jordan, Keene, Kelly, King, Leeds, Majors, Martin, McBrayer, McCallum, McNamara, Clarence R. Miller, John D. Miller, Murphy, Ostertag, Overman, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sheehan, Siemens, Smothers, Straney, Tucker, Webster, White, Whitlock and Young.

Representative John Y. Brown moved that the House adjourn until 8 p.m., Monday, January 17, 1966.

On the roll call the vote was yeas 39—Barber, Bates, Billings, Blume, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Caldwell, Chapman, Clark, Criscillis, Denham, Hale, Hardin, Henry, Hinkle, Hoffman, Irick, Jordan, Keene, Majors, McBrayer, McCallum, McNamara, John D. Miller, Murphy, Ostertag, Peniston, Pile, W. J. Reynolds, Roberts, Smothers, Straney, Tucker, Watkins, Webster, Whitlock, Young. Nays 0.

The motion to adjourn was adopted.

## MONDAY, JANUARY 17, 1966
## TWELFTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend James C. Moloney of Boys' Haven, Louisville.

The roll was called. All present except Representatives Jones, Russell and Short.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 14, 1966, be dispensed with and the same approved. Agreed.

Representative John Y. Brown moved that the rules be suspended. Agreed.

### Orders of the Day

**HB 2** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative John Y. Brown moved that the printed copy of **HB 2** with the twelve Committee amendments incorporated be substituted. Agreed.

**HB 2**, AN ACT to prevent discrimination in employment and public accommodations within the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Article 1**

Section 101.

(a) The general purposes of this Act are:

(1) to provide for execution within the State of the policies embodied in the Federal Civil Rights Act of 1964 (78 Stat. 241);

(2) To safeguard all individuals within the State from discrimination because of race, color, religion, and national origin in connection with employment and public accommodations; thereby to protect their interest in personal dignity and freedom from humiliation in places of public accommodation, to make available to the State their full productive capacities in employment, to secure the State against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health and general welfare, and to further the interests, rights and privileges of individuals within the State;

(b) This Act shall be construed to further the general purposes stated in this Section and the special purposes of the particular provision involved.

Section 102. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 103. This Act shall take effect on July 1, 1966.

**Article 2**

Section 201. In this Act

(a) "Person" includes one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the State, any of its political or civil subdivisions or agencies;

(b) "Commission" means the Kentucky Commission on Human Rights;

(c) "Commissioner" means a member of the Commission.

(d) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice or differentiation or preference in the treatment of a person or persons because of race, color, religion, or national origin, or the aiding, abetting, inciting, coercing or compelling thereof.

**Article 3**

Section 301. For the purposes of this article

(a) "Employer" means a person who has 8 or more employes within the State in each of twenty or more calendar weeks in the current or preceding calendar year and an agent of such a person.

(b) "Employment agency" means a person regularly undertaking with or without compensation to procure employes for an employer or to procure for employes opportunities to work for an employer and includes an agent of such person.

(c) "Labor organization" means a labor organization and an agent of such an organization, and includes an organization of any kind, an agency or employe representation committee, group, association, or plan so engaged in which employes participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and a conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(d) "Employe" means an individual employed by an employer, but does not include an individual employed by his parents, spouse or child, or an individual employed to render services as a domestic in the home of the employer.

Section 302. It is an unlawful practice for an employer

(a) to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin; or

(b) to limit, segregate, or classify his employes in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employe, because of such individual's race, color, religion, or national origin.

Section 303. It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise

to discriminate against, an individual because of his race, color, religion, or national origin, or to classify or refer for employment an individual on the basis of his race, color, religion, or national origin.

Section 304. It is an unlawful practice for a labor organization

(a) to exclude or to expel from its membership, or otherwise to discriminate against, a member or applicant for membership because of his race, color, religion, or national origin;

(b) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment an individual, in any way which would deprive or tend to deprive an individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employe or as an applicant for employment, because of such individual's race, color, religion, or national origin;

(c) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Section 305. It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against an individual because of his race, color, religion, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

Section 306. It is an unlawful practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination based on race, color, religion or national origin, except that such a notice or advertisement may indicate a preference, limitation, or specification based on religion, or national origin when religion, or national origin is a bona fide occupational qualification for employment.

Section 308. Notwithstanding any other provisions of this article, it is not an unlawful practice for

(a) an employer to hire and employ employes, or an employment agency to classify, or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(b) a religious corporation, association, or society to employ an individual on the basis of his religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity.

(c) a school, college, university, or other educational institution to hire and employ employes of a particular religion if the school, college, university, or other educational institution is, in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion and the choice of employes is calculated by such organization to promote the religious principles for which it is established or maintained.

Section 309. Notwithstanding any other provision of this chapter, it is not an unlawful practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employes who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, or national origin, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration

or action upon the results its not designed, intended or used to discriminate because of race, color, religion or national origin.

Section 310. Nothing contained in this chapter requires an employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to an individual or to a group because of the race, color, religion, or national origin of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, or national origin employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to, or employed in, an apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, or national origin in the State or a community, section, or other area, or in the available work force in the State or a community, section, or other area.

**Article 4.**

Section 401. Except as otherwise provided in this article, it is an unlawful practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement, as defined in this article, on the ground of race, color, religion, or national origin.

Section 402. As used in this act unless the context requires otherwise:

(a) "Place of public accommodation, resort or amusement" includes any place, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds: except that (1) a private club is not a place of public accommodation, resort or amusement if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests; and

(2) "place of public accommodation, resort or amusement" does not include beauty shops or barber shops as defined in KRS 317.410 nor a rooming or boarding house containing not more than five rooms for rent or hire and which is within a building occupied by the proprietor as his residence.

Section 403. It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral or visual communication, notice, or advertisement, which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement, will be refused, withheld from, or denied an individual on account of his race, color, religion, or national origin, or that the patronage of, or presence at, a place of public accommodation, resort or amusement, of an individual, on account of his race, color, religion, or national origin is objectionable, unwelcome, unacceptable, or undesirable.

**Article 5.**

Section 501. (a) The members of the Commission on Human Rights established by KRS 19.020 shall be appointed on a bipartisan basis and shall be broadly representative of employers, proprietors, trade unions, religious groups, human rights groups, and the general public.

(b) Each member is entitled to reimbursement of expenses incurred in the performance of his duties and when serving as a hearing examiner shall be compensated at a per diem rate to be established by the Commissioner of Personnel.

Section 502. In the enforcement of this Act the Commission on Human Rights shall have the following powers and duties:

(a) To maintain an office in the City of Frankfort and such other offices within the State as may be deemed necessary;

(b) to meet and exercise its powers at any place within the Commonwealth;

(c) within the limitations provided by law, to appoint an

Executive Director, attorneys, hearing examiners, clerks and other employees and agents as it may deem necessary. At the direction of the Commission, attorneys appointed under this section may appear for and represent the Commission in any court;

(d) to promote the creation of local commissions on human rights, to cooperate with State, local and other agencies, both public and private, and individuals, and to obtain upon request and utilize the services of all governmental departments and agencies.

(e) to cooperate with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of this Act.

(f) to accept gifts or bequests, grants, or other payments, public or private, to help finance its activities;

(g) to accept reimbursement pursuant to Section 709 (b) of the Civil Rights Act of 1964 (78 Stat. 241) for services rendered to assist the Federal Equal Employment Opportunity Commission.

(h) to receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this Act.

(i) at any time after a complaint is filed, to require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person or by deposition, and require the production of documents relevant to the complaint. The Commission may make rules authorizing any member or individual designated to exercise these powers in the performance of official duties;

(j) to furnish technical assistance requested by persons subject to this Act to further their compliance with this Act or an order issued thereunder;

(k) to make studies appropriate to effectuate the purposes and policies of this Act and to make the results thereof available to the public;

(l) to render annual written reports to the Governor and the Legislature. The reports may contain recommendations of the Commission for legislative or other action to effectuate the purposes and policies of this Act;

(m) to create local or state-wide advisory agencies that in its judgment will aid in effectuating the purpose of this Act. The Commission may empower these agencies (1) to study and report on problems of discrimination because of race, color, religion, or national origin, (2) to foster through community effort or otherwise good will among the groups and elements of the population of the State, and (3) to make recommendations to the Commission for the development of policies and practices that will aid in carrying out the purposes of this Act. Members of such committees shall serve without pay but shall be reimbursed for expenses incurred in such services. The Commission may make provision for technical and clerical assistance to the committees;

(n) to adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this act, including regulations requiring the posting of notices prepared or approved by the Commission.

Section 503. (a) An individual claiming to be aggrieved by an unlawful practice, a member of the Commission, or the Attorney General may file with the Commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Commission to identify the persons charged (hereinafter the respondent). The Commission staff or a person designated pursuant to its rules shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within 5 days furnish the respondent with a copy of the complaint. The complaint must be filed within 180 days after the alleged unlawful practice occurs, except that a complaint alleging discrimination in employment (Article 3 of this Act) must be filed within 90 days.

(b) The Commission shall determine within 30 days after the complaint has been filed whether there is probable cause to believe the respondent has engaged in an unlawful practice. If

it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the Commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, the Attorney General and such other public officers and persons as the Commission deems proper.

(c) The complainant, within 10 days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order. Upon such application, the Commission or an individual designated pursuant to its rules shall make a new determination within ten days whether there is probable cause to believe that the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the Commission shall issue an order dismissing the complaint and furnishing a copy of the order to the complainant, the respondent, the Attorney General, and such other public officers and persons as the Commission deems proper.

(d) If the staff determines, after investigation, or if the Commission determines after the review provided for in subsection (c) that there is probable cause to believe that the respondent has engaged in an unlawful practice, the Commission staff shall endeavor to eliminate the alleged unlawful practice by conference, conciliation and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the Commission or its staff and the respondent. If a conciliation agreement is entered into, the Commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent, the Attorney General, and such other public officers and persons as the Commission deems proper. Except for the terms of the conciliation agreement, neither the Commission nor any officer or employee thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion whether or not

there is a determination of probable cause or a conciliation agreement.

(e) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the Commission shall take such action as it deems appropriate to assure compliance.

(f) At any time after a complaint is filed, the Commission may file an action in the circuit court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or has his principal place of business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this article, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the Commission may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper.

Section 504. (a) Within 60 days after a complaint is filed, unless the Commission has issued an order dismissing the complaint or stating the terms of a conciliation agreement or within 30 days after an application for review is filed under Section 503 (c), the Commission shall serve on the respondent by registered or certified mail a written notice, together with a copy of the complaint as it may have been amended, requiring the respondent to answer the allegations of the complaint at a hearing before one or more members of the Commission or an individual designated pursuant to its rules, at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant, the Attorney General, and such other public officers and persons as the Commission deems proper.

(b) A member of the Commission who filed the complaint or endeavored to eliminate the alleged unlawful practice by conference, conciliation or persuasion, shall not participate in the hearing or in the subsequent deliberation of the Commission.

(c) The respondent may file an answer with the Commis-

sion by registered or certified mail not less than 5 days before the hearing date. The Commission or the complainant may amend a complaint and the respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had the opportunity of a hearing on the complaint or amendment on which the order is based.

(d) The case in support of the complaint shall be presented before the Commission by one of its attorneys or staff. Efforts at conference, conciliation, and persuasion shall not be received in evidence.

(e) A respondent who has filed an answer or whose default in answering has been set aside for good cause shown may appear at the hearing, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant, the Attorney General, and, in the discretion of the Commission, any person may intervene, examine and cross-examine witnesses, and present evidence.

(f) If the respondent fails to answer the complaint, the Commission may enter his default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.

(g) Testimony taken at the hearing shall be under oath and transcribed. After the hearing, in its discretion, the Commission upon notice to all parties with an opportunity to be present may take further evidence or hear argument.

Section 505. If the Commission determines that the respondent has not engaged in an unlawful practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the Attorney General, and such other public officers and persons as the Commission deems proper.

Section 506. (a) If the Commission determines that the respondent has engaged in an unlawful practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from

the unlawful practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this Act. A copy of the order shall be delivered to the respondent, the complainant, the Attorney General, and to such other public officers and persons as the Commission deems proper.

(b) Affirmative action ordered under this section may include but is not limited to

(1) hiring, reinstatement or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the persons or persons discriminated against shall operate to reduce the back pay otherwise allowable.

(2) admission or restoration of individuals to union membership, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs.

(3) admission of individuals to a place of public accommodation, resort, or amusement;

(4) the extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges and services of the respondent;

(5) reporting as to the manner of compliance;

(6) posting notices in conspicuous places in the respondent's place of business in form prescribed by the Commission;

(c) The Commission may publish or cause to be published the names of persons who have been determined to have engaged in an unlawful practice.

Section 507. (a) A complainant, respondent, or intervenor aggrieved by an order of the Commission, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review, and the Commission may obtain an order of the court for enforcement of its order, in a proceeding brought in the Circuit Court in a county in which the alleged unlawful practice which is the subject of the order or complaint occurs or in which a respondent resides or has his principal place of business.

(b) The proceeding for review or enforcement is initiated by filing a complaint in the court. Copies of the complaint shall be served upon all parties of record. Within 30 days after the service of the complaint upon the Commission or its filing by the Commission, or within such further time as the court may allow, the Commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The findings of fact of the Commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the Commision, or remanding the case to the Commission for further proceedings. All such proceedings shall be heard and determined by the Circuit Court and Court of Appeals as expeditiously as possible and with lawful precedence over other matters.

(c) If the Commission has failed to schedule a hearing in accordance with Section 504 (a) or has failed to issue an order within 180 days after the complaint is filed, the complainant, respondent, Attorney General, or an intervenor may petition the Circuit Court in a county in which the alleged unlawful practice set forth in the complaint occurs or in which the petitioner resides or has his principal place of business for an order directing the Commission to take such action. The court shall follow the procedure set forth in subsection (b) so far as applicable.

(d) The court shall not consider any matter not considered by, nor any objection not raised before, the Commission, unless the failure of a party to present such matter to or raise such objection before the Commission is excused because of good cause shown. A party may move the court to remand the case to the Commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows good cause for the failure to adduce such evidence before the Commission.

(e) The jurisdiction of the Circuit Court shall be exclusive

and its final judgment or decree shall be subject to review by the Court of Appeals as provided by the Rules of Civil Procedure. The Commission's copy of the testimony shall be available to all parties for examination without cost during business hours at the Commission's office in Frankfort.

(f) A proceeding under this section must be initiated within 30 days after a copy of the order of the Commission is received, unless the Commission is the petitioner or the petition is filed under subsection (c). If no proceeding is so initiated, the Commission may obtain a decree of the court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the respondent.

Section 508. (a) In connection with an investigation of a complaint filed under this Act, the Commission or its designated representative at any reasonable time may request access to premises, records, and documents relevant to the complaint and the right to examine, photograph and copy evidence.

(b) Every person subject to this Act shall (1) make and keep records relevant to the determination of whether unlawful practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this Act or the regulations or orders thereunder.

(c) The Commission, by regulation, shall require each person subject to this Act which controls an apprenticeship or other training program to keep all records reasonably necessary to carry out the purpose of the Act, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and shall furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training programs.

(d) A person who believes that the application to it of a regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of the regulation or order. If the Commission finds that the application of the regulation or order to the

person in question would impose an undue hardship, the Commission may grant appropriate relief.

(e) So as to avoid undue burdens on persons subject to this Act, records and reports required by the Commission under this section shall conform as near as may be to similar records and reports required by federal law and the laws of other states and to customary record-keeping practice.

(f) It is unlawful for a Commissioner or employee of the Commission to make public with respect to a particular person without his consent information obtained by the Commission pursuant to its authority under this section except as reasonably necessary to the conduct of a proceeding under this Act.

(g) If a person fails to permit access, examination, photographing or copying or fails to make, keep, or preserve records or make reports in accordance with this section, the Circuit Court for the county in which such person is found, resides, or has his principal place of business, upon application of the Commission, may issue an order requiring compliance.

Section 509. (a) Upon written application to the Commission a party to a proceeding is entitled as of right to the issue of subpoenas in the name of the Commission by an individual designated pursuant to its rules requiring attendance and the giving of testimony and the production of documents. A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena was issued. On petition of the individual to whom the subpoena is directed and notice to the requesting party, the Commission or an individual designated pursuant its rules may vacate or modify the subpoena.

(b) Depositions of witnesses may be taken as prescribed by the Rules of Civil Procedure.

(c) If a person fails to comply with a subpoena, the Circuit Court for the county in which the person is found, resides, or has his principal place of business, upon application of the Commission or the party requesting the subpoena, may issue an order requiring compliance. In any proceeding brought under this section, the court may modify or set aside the subpoena.

**Article 6**

Section 601. It shall be an unlawful practice for a person, or for two or more persons to conspire

(a) to retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Act, or because he has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this Act; or

(b) to aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this Act; or

(c) to obstruct or prevent a person from complying with the provisions of this Act or any order issued thereunder; or

(d) to resist, prevent, impede, or interfere with the Commission, or any of its members or representatives, in the lawful performance of duty under this Act.

Section 602. A person who wilfully engages in the practices declared unlawful by Sections 508 (f) and 601 is guilty of a misdemeanor and shall be fined not more than $100, or imprisoned for not more than 30 days, or both.

Section 603. It is an unlawful practice for a party to a concilliation agreement made pursuant to Section 503 (d) of this Act to violate the terms of the agreement.

Section 604. (a) Nothing contained in this Act shall be deemed to repeal any other law of this State relating to discrimination because of race, color, religion, and national origin; exception, Sections 19.010 and 19.050 of the Kentucky Revised Statutes are repealed.

(b) Neither the Commission nor any court of this State shall take jurisdiction over any claim of an unlawful practice under this Act while a claim of the same person seeking relief for the same grievance is pending. A final determination of a claim alleging an unlawful practice under this Act shall exclude any other action or proceeding brought by the same person based on the same grievance.

Section 605. The production of a written, printed, or visual communication, advertisement, or other form of publication, or a written inquiry, or record, or other document purporting to have been made by an individual shall be prima facie evidence in a proceeding under this Act that it was authorized by the individual.

**Article 7**

Section 701. Cities and counties are authorized to adopt and enforce ordinances, orders, and resolutions prohibiting discrimination on the basis of race, color, religion, or national origin, and to prescribe penalties for violation thereof, such penalties being in addition to the remedial orders and enforcement herein authorized.

Section 702. (a) Any city or county, or one or more cities and counties acting jointly, may create a human rights commission (hereinafter a "local Commission")

(1) to provide for execution within its jurisdiction of the policies embodied in this Act and the Federal Civil Rights Act of 1964 (78 Stat. 241); and

(2) to safeguard all indivduals within its jurisdiction from discrimination because of race, color, religion, or national origin.

Section 703. A local commission may be authorized to

(a) receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the city or county.

(b) compel the attendance of witnesses and the production of evidence before it by subpoena issued by the circuit court of the county wherein the local commission is authorized to act.

(c) issue remedial orders, after notice and hearing, requiring cessation of violations.

(d) issue such affirmative orders as in the judgment of the local commission will carry out the purposes of this Act. Affirmative action ordered may include but is not limited to the remedies enumerated in Section 506 (b).

(e) employ an executive director, attorneys, hearing examiners, clerks and other employees and agents.

(f) accept grants, gifts, or bequests, public or private to help finance its activities.

Section 704. The proceeding for enforcement of a local commission order is initiated by filing a complaint in the circuit court. Copies of the complaint shall be served upon all parties of record. Within 30 days after the filing of the complaint by the local commission, or within such further time as the court may allow, the local commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened. The findings of fact of the local commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the local commission, or remanding the case to the local commission for further proceedings. All such proceedings shall be heard and determined by the circuit court and the Court of Appeals as expeditiously as possible and with lawful precedence over other matters.

Section 705. A local Commission established pursuant to this Act may:

(a) enter into cooperative working agreements with the United States Equal Employment Opportunity Commission created by Section 705 of the Federal Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that Act; and with any federal or state agency in order to achieve the purposes of this Act;

(b) in its discretion, or upon request of the Commission, refer a matter under its jurisdiction to the Commission for initial action or review;

(c) refer to the Commission for resolution a dispute over jurisdiction or other matter with another local commission;

(d) provide a copy of its annual report to the Commission.

Section 706. The Commission may enter into cooperative

working agreements with local commissions which have enforceable ordinances, orders, or resolutions and professional staff under the provisions of Section 703.

Section 707. Nothing in this Act shall be construed as indicating an intent to exclude local laws on the same subject matter not inconsistent with this Act.

Representative John Y. Brown moved the Previous Question on **HB 2.**

On the roll call the vote was yeas 57—Allen, Arnett, Ball, Ballenger, Barber, Bates, Blume, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Cox, Criscillis, Dempsey, Denham, Floyd, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Isler, Jordan, Keene, Kelly, Lassiter, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Overman, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Sartin, Siemens, Smith, Smothers, Stuart, Tucker, Wallace, Warders, White, Young. Nays 25—Bicknell, Billings, Blythe, Archie Brown, Buky, Chaudoin, Clapp, Clark, DeMarcus, Hislope, Howard P. Hunt, Jr., James E. Hunt, Johnson, Kessinger, King, Leeds, McCowan, W. J. Reynolds, Jr., Riddle, Secrest, Watkins, Webster, Wells, Wheeler, Whitlock.

The motion on the Previous Question was adopted.

Representative John Y. Brown moved that an unlimited debate be held on **HB 2.** Agreed.

Representative Ostertag announced had he been present when the Previous Question was voted upon, he would have voted "aye."

Representative Dempsey announced that he intended to vote "nay" on **HB 2.** Representative Dempsey's request was honored.

Representative Billings moved that **HB 2** be laid on the table. Rejected.

**HB 2** was placed upon its passage.

On the roll call the vote was yeas 76—Allen, Arnett, Ball, Ballenger, Barber, Bates, Blume, Blythe, Bondurant, Brady,

Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Majors, Martin, McBrayer, McIntyre, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Wheeler, Whitlock, Wright. Nays 12—Billings, Chaudoin, Clapp, Henry, Hislope, Isler, Leeds, Maddox, McCowan, Sheehan, Webster, Young.

**HB 2** was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 2** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Floyd announced he meant to vote "yea" on **HB 2.**

Representative John Y. Brown moved that the House adjourn until 9 a. m., Tuesday, January 18, 1966.

On the roll call the vote was yeas 66—Allen, Arnett, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Brady, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Jones, Jordan, Keene, Kelly, King, Lassiter, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wheeler, White, Young. Nays 4—Ball, Henry, Osborn, Wright.

The motion to adjourn was adopted.

## TUESDAY, JANUARY 18, 1966

## THIRTEENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Bartley, Bicknell, Blythe, Brady, Chaudoin, Hislope, James E. Hunt, Leeds, Russell Reynolds, Riddle, Sheehan, Smith, Watkins and Wheeler.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 17, 1966, be dispensed with and the same approved. Agreed.

Representative Jordan moved that the House not adjourn until Friday, January 21, 1966.

On the roll call the vote was yeas 27—Ball, Ballenger, Barber, Bourne, John Y. Brown, Buky, Chapman, Clapp, Clark, Cox, DeMarcus, Dempsey, Floyd, Hardin, Harper, Hoe, Hopkins, Jordan, Keene, Kelly, Kessinger, McCowan, Roberts, Russell, Short, Tucker, Wright. Nays 25—Arnett, Bicknell, Bondurant, Archie Brown, E. G. Brown, Bruce, Denham, Harris, Henry, Jones, Lassiter, Maddox, Majors, McBrayer, John D. Miller, Morgan, Peace, Pile, Sartin, Secrest, Smith, Smothers, Vanover, Wells, White.

The motion that the House not adjourn until Friday, January 21, was adopted.

### Motions, Petitions, and Communications

**HR 16,** by Representatives Floyd, Clark, Peace, Dempsey, White, Sartin, Clapp, McNamara, Harper and Hoe: A RESOLUTION requesting the Department of Highways to replace a bridge over the Green River in Casey County.

WHEREAS, this bridge spans the Green River about one-

half mile from Yosemite and is located in Casey County about one-half mile northeast of the intersection of Kentucky Route 198 and Kentucky Route 70; and

WHEREAS, this bridge is a single lane structure, is heavily rusted and is fifty-five years old; and

WHEREAS, this bridge carries traffic which includes farm trucks and also school busses transporting primary and secondary school children; and

WHEREAS, the Department of Highways has shown concern for the safe use of the bridge by reducing the load limit of the bridge from twelve to six tons; and

WHEREAS, the residents of the area wherein this bridge is located have expressed grave concern for the safety of their children, their property and themselves while using the bridge by petitioning their Representative to endeavor to have the bridge replaced;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That this House shares the concern of the residents of Casey County for the safety of their children, their property and their lives.

Section 2. That the Department of Highways be and hereby is requested to replace the bridge on Kentucky Route 198 spanning the Green River in Casey County.

Section 3. That the Clerk of this House forward copies of this resolution to the Commissioner of Highways.

Representative Floyd moved the adoption of **HR 16**. Agreed.

**HR 18**, by Representative Morgan: A RESOLUTION directing the Legislative Research Commission to study the advisability of uniformity among all state supported colleges in the following areas: basic requirement for teacher certification, the numbering of courses and the acceptance of credits.

WHEREAS, there is some variation among state supported colleges in the basic requirements for certification for elementary and secondary teachers; and

WHEREAS, basic required courses for teacher certification are numbered differently in state supported schools; and

WHEREAS, there is no uniformity among state supported schools in their numbering of courses generally; and

WHEREAS, credits earned in a state supported college may or may not be accepted in another state supported school when a student transfers;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission is directed to study the advisability of uniformity among all state supported colleges in the following areas: basic requirements for teacher certification, numbering of courses and the acceptance of credits.

Section 2. That the Legislative Research Commission report its findings to the 1968 regular session of the General Assembly.

Representative Morgan moved the adoption of **HR 18.** Agreed.

**HR 17,** by Representatives Osborn and Hinkle: A RESOLUTION directing the Legislative Research Commission to secure information on classroom teachers' salaries.

WHEREAS, the present law requires allocation of appropriations for primary and secondary schools in terms of classroom units; and

WHEREAS, the General Assembly in the 1964 and 1966 Appropriation Acts had intended to increase the annual salary of classroom teachers; and

WHEREAS, the present method of allocation of school ap-

propriations does not guarantee that increases per classroom unit be solely devoted to the increase in compensation of classroom tachers;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission shall contact the superintendent of each school district in the Commonwealth for the purpose of determining: (a) The actual amount of salary increases granted to the teachers in each district during the 1964-66 period, the same period in which the General Budget Act appropriated an increase of five hundred dollars for each instructional classroom unit, and (b) The actual amount of salary increases which will be granted to teachers as a result of the recently enacted House Bill 1, 1966 Regular Session, which appropriated an increase of four hundred dollars for each instructional classsroom unit.

Section 2. The Legislative Research Commission shall secure this information by distributing a questionnaire by registered mail to the superintendent of schools of each school district in the Commonwealth requesting a reply within thirty days.

Section 3. That the Legislative Research Commission shall, within forty-five days from the date of the adoption of this resolution, submit a written report to the members of the General Assembly detailing the information obtained and listing the names of those districts and those superintendents who failed to reply to the questionnaire.

Section 4. That the Superintendent of Public Instruction shall extend to the Director of the Legislative Research Commission all cooperation necessary to obtaining the information specified in this resolution.

Representative Osborn moved the adoption of **HR 17.** Agreed.

### Committee Appointments

The Committee on Committees announced the following additional committee appointments:

Committee on Labor—Representatives Vanover and King

Committee on Motor Transportation—Representatives Whitlock and Stuart

Committee on Elections—Representative Hoe

### Reference of Bills and Resolutions

The Committee on Committees referred the following bills:

Classification of Cities: **HB 3, HB 4.**

Conservation: **HB 36.**

### Introduction of Bills and Resolutions

**HB 75,** by Representative Bartley: AN ACT relating to the appointment of appraisers of property for condemnation purposes by the county judge.

**HB 76,** by Representatives Blume, Eicher, Jones, Morgan, Buky, Johnson, Chapman, Murphy, C. R. Miller and Vanover: AN ACT relating to the transmitting of false fire alarms.

**HB 77,** by Representatives Hinkle and Barber: AN ACT relating to the Department of Education of the Commonwealth of Kentucky.

**HB 78,** by Representative Russell Reynolds: AN ACT relating to deductions from wages of employes.

**HB 79,** by Representatives Murphy, Overman and Ostertag: AN ACT relating to assault or battery upon a peace officer.

**HB 80,** by Representative Dempsey: AN ACT relating to the practice of law.

**HB 81,** by Representative Dempsey: AN ACT relating to the State Police.

**HB 82,** by Representative Isler: AN ACT relating to emergency care of persons.

**HB 83,** by Representatives Straney, Watkins and Bourne: AN ACT relating to compensation of county officers and employes.

**HB 84,** by Representatives Straney, Watkins, McNamara and Bourne: AN ACT relating to bonding of county judges and justices of the peace.

**HB 85,** by Representative Murphy: AN ACT relating to the sale of distilled spirits or wine.

### Committee Appointments

The Committee on Committees announced the following additional committee appointment:

Committee on Fish and Game – Representative W. J. Reynolds.

### Recess

Representative John Y. Brown moved that the House recess for a public hearing on **HB 36, SB 3.** Agreed.

The Speaker resumed the Chair and called the House to order.

### Reference of Bills and Resolutions (Cont.)

The Committee on Committees referred the following Bills:

Appropriations: **HB 15, HB 17, HB 18, HB 25, HB 30, HB 35, HB 41, HB 46, HB 49.**

Agriculture: **HB 51, HB 53.**

Classification of Cities: **HB 19.**

Banks and Banking: **HB 37.**

Conservation: **HB 44.**

Compensation for Industrial Injuries: **HB 55.**

Courts and Legal Procedures: **HB 26, HB 27, HB 38.**

Education: **HB 9, HB 21, HB 29, HB 34, HB 47, HB 57.**

Elections: **HB 7, HB 31.**

Fish and Game: **HB 40.**

Governmental Affairs: **HB 8, HB 10.**

Higher Education: **HB 20.**

Insurance: **HB 5.**

Kentucky Statutes # 1: **HB 33, HB 58, HB 59, HB 60, HB 61, HB 62, HB 63, HB 64, HB 65, HB 66, HB 67, HB 68.**

Kentucky Statutes # 2: **HB 6, HB 11, HB 14, HB 16, HB 24. HB 24.**

Kentucky Statutes # 3: **HB 12, HB 13, HB 22, HB 23, HB 28, HB 42, HB 48, HB 50.**

Labor: **HB 45, HB 56.**

Legislative Affairs: **HB 32.**

Municipalities: **HB 39, HB 43.**

Oil and Petroleum: **HB 52.**

Roads and Highways: **HB 54.**

Kentucky Statutes # 2: **HR 4.**

**Motions, Petitions, and Communications** (Cont.)

Representative Clarence Miller requested that he be recorded as voting "yea" on **HB 2** upon its passage of January 17, 1966. Agreed.

The Speaker appointed Representative Henry as Chairman of the Return Assembly Ball.

**HR 19,** by Representatives Bruce, Hardin, Webster, Hoffman, McNamara, John Y. Brown, Peniston, Straney, E. G. Brown, W. J. Reynolds, Hopkins, Jordan, Cox and Pile: A RESOLUTION thanking Colonel Sanders for a delicious Kentucky fried chicken dinner.

WHEREAS, Colonel Sanders, one of our most famous and successful Kentucky Colonels, has graciously provided for the members of the House his famous Kentucky fried chicken dinner; and

WHEREAS, it is fitting and appropriate that the House of Representatives, part of a finger lickin good Legislature, expresses its gratitude to Colonel Sanders for his finger lickin good Kentucky fried chicken dinner;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives expresses its thanks to Colonel Sanders for his generosity in furnishing to the members of the House his famous Kentucky fried chicken dinner.

Section 2. That the Clerk of the House send a copy of this resolution to Colonel Sanders.

Representative Bruce moved the adoption of **HR 19.** Agreed.

Representative Dempsey was granted a request that he be recorded as voting "nay" on the Previous Question motion on **HB 2,** January 17, 1966. Agreed.

Representative John Y. Brown moved that the House adjourn until 1 p. m., Thursday, January 20, 1966.

On the roll call the vote was yeas 40—Arnett, Blythe, Bondurant, John Y. Brown, Bruce, Buky, Chapman, Chaudoin, Clapp, Clark, Criscillis, Hale, Hardin, Harper, Hoe, Hoffman, James E. Hunt, Jones, Jordan, Keene, Kelly, Majors, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Riddle, Roberts, Russell, Sheehan, Smothers, Straney, Tucker, Vanover, Watkins, Webster, Wheeler, Whitlock, Wright. Nays 0.

The motion to adjourn was adopted.

## THURSDAY, JANUARY 20, 1966

## FOURTEENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Allen, Ballenger, E. G. Brown, Bruce, Dempsey, Harris, Henry, Isler, Maddox, Martin, Morgan, Smith, Wells, Wheeler and Young.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 18, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

Representative Jordan moved that the House reconsider the motion made by him on January 18, 1966, concerning adjournment.

On the roll call the vote was yeas 43—Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, Carroll, Chapman, Clapp, Cox, Criscillis, Denham, Floyd, Hale, Hardin, Hinkle, Hopkins, Howard P. Hunt, Jr., Irick, Jordan, Keene, Kelly, King, Leeds, McBrayer, Clarence R. Miller, John D. Miller, Osborn, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Siemens, Smothers, Straney, Tucker, Vanover, Watkins, Webster, Whitlock. Nays 27—Ball, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, DeMarcus, Eicher, Harper, Hoe, James E. Hunt, Jones, Kessinger, McCowan, McIntyre, Murphy, Ostertag, Riddle, Russell, Sartin, Secrest, Short, Stuart, Wallace, Warders, Wright.

The motion that the House reconsider the motion made by Representative Jordan on January 18, 1966, concerning adjournment was adopted.

**HR 20,** by Representative Miller: A RESOLUTION commending Bill Sterett, of Owensboro, Kentucky.

WHEREAS, Bill Sterett on January 15, 1966 won the International Grand Prix at Miami, Florida, a boat race renown throughout the world; and

WHEREAS, Bill Sterett has won the Grand Prix three consecutive times, a feat never before accomplished; and

WHEREAS, in 1965 Bill Sterett was the Eastern United States Divisional Champion, National Champion, and National High Point Champion, the first man to win these three championships in one year; and

WHEREAS, in 1965 Bill Sterett set two competition records of 93.072 to establish a new U. S. record and world record for a five mile course; and

WHEREAS, Bill Sterett has been selected to the Boat Racers' Hall of Fame and his achievements have brought great and good noteriety to Owensboro and the Commonwealth and its citizens;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives go on record as extending, and enter in its journal, this commendation of Bill Sterett of Owensboro and congratulate him on his unprecedented accomplishments.

Section 2. That the Clerk of the House forward a copy of this resolution to William Bill Sterett of Owensboro and to the *Owensboro Messenger and Enquirer.*

Representative Miller moved the adoption of **HR 20.** Agreed.

The Speaker vacated the Chair. Representative Carroll presiding.

**HR 21,** by Representative DeMarcus: A RESOLUTION directing the study of the effect of the use of alcohol on automobile accidents.

WHEREAS, the terrible death rate on Kentucky's highways shows no immediate sign of declining; and

WHEREAS, the use of alcoholic beverages by drivers obviously has an affect upon this highway carnage; and

WHEREAS, it is the imperative obligation of the General Assembly to remedy this situation for the public welfare if at all possible; and

WHEREAS, data and statistics showing the connection between automobile accidents and operators driving while under the influence of alcohol would be a valuable aid to the General Assembly in formulating legislation on this subject;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Legislative Research Commission is directed to study the frequency of automobile accidents caused by a driver being under the influence of any type of alcoholic beverage with a view toward suggested legislation to prevent the occurrence of such accidents.

Section 2. That the Legislative Research Commission report its findings in such study to the 1968 General Assembly.

Representative DeMarcus moved the adoption of **HR 21.** Agreed.

The Speaker resumed the Chair.

## Report of Committees

The Committee on Kentucky Statutes # 1 reported **HB 58, HB 59, HB 60, HB 61, HB 62, HB 63, HB 64, HB 66, HB 67, HB 68** and **HR 4** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 58**, AN ACT relating to scenic enhancement.

WHEREAS, in order to promote the safety, convenience

and enjoyment of travel on, and protection of the public investment in highways of the Commonwealth of Kentucky, and for the restoration, preservation, and enhancement of scenic beauty within and adjacent to such highways; and

WHEREAS, in order that the Commonwealth of Kentucky be entitled to receive and spend the three percentum nonmatching funds from the Federal Government pursuant to the provisions of Title 23, United States Code;

NOW THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes, to be numbered KRS 177.090, is created to read as follows:

(1) The Department of Highways is hereby authorized to acquire and improve strips of land necessary for the restoration, preservation, and enhancement of scenic beauty within and adjacent to Federal-aid highways of this State, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right of way reasonably necessary to accommodate the traveling public.

(2) The interest in any land authorized to be acquired and maintained under this section may be the fee simple or any lesser interest, as determined by the Department of Highways to be reasonably necessary to accomplish the purposes of this section. Such acquisition may be by gift, purchase, exchange, or condemnation.

(3) The acquisition through condemnation shall be in accordance with the provisions of KRS 177.081 to KRS 177.089.

**HB 59,** AN ACT relating to abandoned vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any person who leaves a vehicle upon a public road or street under circumstances indicating an abandonment,

shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days. A vehicle left upon a public road or street for seventy-two consecutive hours shall be presumed to be abandoned.

Section 2. The public authority having jurisdiction over a particular road or street shall cause any such vehicle which is fit for future use to be removed by some person engaged in the business of storing or towing motor vehicles and the provisions of KRS 376.275 shall apply in disposing of such vehicle. Any money obtained in disposing of a vehicle that is in excess of any liens shall be paid by the seller to the owner and if the owner cannot be located, the excess money shall escheat to the state pursuant to the provisions of KRS Chapter 393. Such vehicle shall be registered or transferred in the county where the sale is conducted upon an affidavit by the seller that the provisions of KRS 376.275 have been met. The affidavit shall contain information as prescribed by the Department of Revenue.

Section 3. If any such vehicle is, in the opinion of the public authority, unfit for future use, the public authority may dispose of it immediately in such manner as it deems appropriate.

Section 4. Section 189.750 of the Kentucky Revised Statutes is repealed.

**HB 60,** AN ACT relating to narcotic drugs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 218.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who sells, supplies, prescribes, administers, dispenses or furnishes, or causes to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, shall be guilty of a felony and shall be fined not more than twenty thousand dollars and confined in the penitentiary for not

less than twenty years, and may be so confined for a longer period or for life.

(2) (a) Any person in possession of any narcotic drug in violation of any provision of this chapter shall be guilty of a felony and shall, for the first offense be punished by confinement in the penitentiary for not less than two years nor more than ten years and by a fine of not more than twenty thousand dollars, and for each subsequent offense be punished by confinement in the penitentiary for not less than five years nor more than twenty years and by a fine of not more than twenty thousand dollars.

(b) Any person who violates any provision of this chapter, for which a specific penalty is not otherwise provided, shall be guilty of a felony and shall, for the first offense, be punished by confinement in the penitentiary for not less than five years nor more than twenty years and by a fine of not more than twenty thousand dollars, and, for each subsequent offense be punished by confinement in the penitentiary for not less than ten years nor more than forty years, and by a fine of not more than twenty thousand dollars.

(3) No court or judge thereof shall postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of selling, supplying, prescribing, administering, dispensing or furnishing, or causing to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, or when the defendant has previously pleaded guilty to or been convicted of a violation of any of the other provisions of this chapter, except *subsection (4) of this section,* [KRS 218.250,] or has previously pleaded guilty to or been convicted of a violation of any of the narcotic laws of the United States of America or any state or territory thereof.

(4) *Any person who uses, or who is under the influence of, a narcotic drug as defined in KRS 218.010, within the Commonwealth of Kentucky, other than for legitimate medical treatment administered or prescribed in good faith by a practitioner duly authorized by law to administer or prescribe narcotic drugs, shall*

*be punished by confinement in the county jail for twelve months. In the event of a conviction under this subsection the court may place the defendant on probation provided the defendant consents to enter, and does forthwith enter an institution approved by the court for treatment of such condition and remains therein until discharged by said institution; failure of the defendant to do so shall automatically revoke his probation and require the prompt entry of judgment and service of sentence in the county jail.* [Whenever a person charged with a violation of subsection (1) of KRS 218.250 waives a jury, the court or judge thereof may, upon the defendant pleading or being found guilty, sentence the defendant to imprisonment for twelve months without the intervention of a jury. Notwithstanding the provisions of subsection (2) of KRS 218.250, no court or judge thereof shall postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of a violation of KRS 218.250, unless the defendant consents to enter, and forthwith enters an institution approved by the court for the treatment of narcotic addicts and remains therein until discharged by said institution; failure of the defendant to do so shall automatically revoke his probation and require the prompt entry of judgment and service of sentence in the county jail.]

(5) Any person who violates subsection (2) of KRS 218.160 shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and for each subsequent offense shall be punished by imprisonment in the county jail for ninety days and by a fine of not less than five hundred dollars.

Section 2. Section 218.250 of the Kentucky Revised Statutes is hereby repealed.

HB 61, AN ACT relating to venereal diseases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It is the intention of this Act to control and eradicate, insofar as possible, venereal diseases in Kentucky.

Section 2. As used in this Act:

(1) "Department" means the Kentucky State Department of Health;

(2) "Contact" means a person named by a person infected with a venereal disease as one with whom he or she has been intimate during his or her period of infectivity or by whom he or she may have been infected;

(3) "Person" includes both adults and minors under 21 years of age;

(4) "Venereal Disease" means syphillis, gonorrhea, chanroid, granuloma inguinale and lymphogranuloma venereum.

Section 3. Authorized personnel of the State and local health departments are directed and empowered to administer and enforce the provisions hereinafter set forth relating to the prevention of the spread of venereal disease. Their duties shall include, among other things, the investigation of persons known to be or suspected of being infected with or exposed to a venereal disease. Local health officers and public health physicians employed by the State or local health department are hereby empowered and directed to make such examinations of persons reasonably suspected of either having a venereal disease or having been exposed to a venereal disease as may be necessary for carrying out this Act.

Section 4. (1) Any person reasonably suspected of being infected with a venereal disease, or of being a contact thereof, shall undergo such medical examination as is necessary, including such serological tests and microscopic examinations as are deemed advisable by the examining physician to definitely determine the existence or nonexistence of a venereal disease. If such person is found to be infected with a venereal disease, he shall undergo such treatment as may be determined by the examining physician to render him noninfectious. During the time when a person reasonably suspected of being infected with a venereal disease is undergoing medical examination and treatment, he shall refrain from committing any acts or deeds that would permit the spread of the disease to other persons. Any person infected with a venereal disease shall submit himself to a physician licensed to practice medicine or osteopathy. In the event such person is

medically indigent, he shall report to his local health department and shall receive an examination and proper treatment.

(2) Any person reasonably suspected of being infected with or having been exposed to a venereal disease who refuses to submit himself for examination and treatment as hereinabove provided or who does not refrain from committing acts or deeds which would permit the spread of the disease, shall be considered delinquent and shall be quarantined by the State or local health department until such time as the provisions of Subsection (1) of this section are complied with.

(3) Persons under 21 years of age may give legal consent for examination and treatment for any venereal infection.

Section 5. Any physician who makes a diagnosis of a case of venereal disease shall report such case within 24 hours to his local health department or to the State Department of Health stating the infected person's name and address, age, sex, color, date of onset, and in the case of syphilis, the stage of the disease.

Section 6. All information and reports concerning persons infected with a venereal disease are hereby declared to be confidential and only authorized personnel of the local health department concerned, the physician or physicians concerned, and the State Department of Health shall be permitted access to such records and information. The State Department of Health and local health departments may, however, transmit venereal disease information and reports concerning infected person or persons suspected of being infected to appropriate federal, state or local health departments or agencies.

Section 7. Whenever any public or private laboratory in Kentucky performs a laboratory test for any venereal disease the result, if reactive, shall be reported within one week thereafter to the State Department of Health on forms furnished by the Department. This section does not relieve an approved laboratory from its obligation of forwarding the results of all laboratory tests (both reactive and non-reactive) to the State Department of Health if the test is made for the purpose of complying with Kentucky's premarital and prenatal laws. (KRS 402.120 et seq. and KRS 214.160 et seq.) Any report made pursuant to this Act shall

not be deemed to be a violation of the physician-patient relationship or otherwise contrary to the ethics of the medical profession.

Section 8. The State Board of Health may adopt rules and regulations for carrying out the intent of this Act.

Section 9. Anyone participating in good faith in the making of a report or in administering treatment to infected persons or contacts thereof or otherwise complying with the provisions of this Act or the rules and regulations of the State Board of Health shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

Section 10. Any person who fails to comply with the provisions of this Act shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Each day of violation or noncompliance shall constitute a separate offense.

**HB 62,** AN ACT relating to health, its control and administration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all actions instituted by the Department for the enforcement of this chapter 211 and the orders, rules and regulations promulgated pursuant thereto.

**HB 63,** AN ACT relating to the naming of the Division of Rural Highways.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 177.380 of the Kentucky Revised Statutes is amended to read as follows:

The funds to be allocated and expended under the provisions of KRS 177.320 to 177.360, being the same funds men-

tioned and referred to in KRS 138.220, are intended to be separate and apart from the funds appropriated, in the regular biennial State Road appropriation Acts [, to the Division of Rural Highways of the Department of Highways].

**HB 64,** AN ACT relating to plumbing, its control and administration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all actions instituted by the Department for the enforcement of this chapter 318 and the orders, rules and regulations promulgated pursuant thereto.

**HB 66,** AN ACT relating to public roads.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any road, street, highway or parcel of ground laid off as a public way and open to the unrestricted use of the general public for five consecutive years, shall conclusively be presumed to be a public road.

Section 2. In the absence of any record, the width of a public road shall be presumed to extend to that area lying within any landmarks such as fences, posts, stakes, stones or other similar monuments.

Section 3. In the absence of any record or landmarks, a public road shall be presumed to be sixty feet in width.

**HB 67,** AN ACT relating to payment of fees to local registrars, physicians and midwives for reporting and registering vital statistics.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 213.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) [Each physician or midwife shall be entitled to receive the sum of twenty-five cents for each certificate of birth or death properly and correctly filled out, signed and reported.] Each local registrar in a county having no county health department shall be entitled to receive the sum of fifty cents for each [such] *birth or death* certificate registered with him and correctly copied and duly returned to the Division of Vital Statistics. In case no births or deaths are registered during any month, the local registrar in a county having no health department shall be entitled to receive the sum of fifty cents for each report to that effect promptly made in accordance with this chapter.

(2) All amounts payable to local registrars [, physicians and midwives] under this section, shall be paid by the treasurer of the county in which the registration district is located upon certification by the Division of Vital Statistics.

[(3) The Division of Vital Statistics shall certify, at least annually to the treasurers of the several counties, the number of births and deaths registered together with the names of the local registrars, physicians and midwives entitled to fee prescribed by this section, and the amount due each at the rate fixed herein.]

[(4)] *(3)* No local registrar, physician, midwife, sexton or undertaker shall charge or collect from any member of a family in which a birth or death occurs, any fee for complying with the provisions of this chapter.

HB 68, AN ACT regulating the placement of children across state lines.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Interstate Compact on the Placement of Children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

**Interstate Compact on the Placement of Children**

**ARTICLE I. Purpose and Policy**

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

**ARTICLE II. Definitions**

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

**ARTICLE III. Conditions for Placement**

(a) No sending state shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

**ARTICLE IV. Penalty for Illegal Placement**

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

**ARTICLE V. Retention of Jurisdiction**

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private

agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

**ARTICLE VI. Institutional Care of Delinquent Children**

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

**ARTICLE VII. Compact Administrator**

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulatons to carry out more effectively the terms and provisions of this compact.

**ARTICLE VIII. Limitations**

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or

sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

### ARTICLE IX. Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

### ARTICLE X. Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the re-

maining states and in full force and effect as to the states affected as to all severable matters.

Section 2. Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of KRS 405.020 shall apply.

Section 3. The "appropriate public authorities" as used in Article III of the Interstate Compact on the Placement of Children shall, with reference to this state, mean the Department of Child Welfare and said Department shall receive and act with reference to notices required by said Article III.

Section 4. As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the Department of Child Welfare.

Section 5. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in another party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the Commissioner of Finance in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

Section 6. The provisions of KRS 199.350 shall not apply to placements made pursuant to the Interstate Compact on the Placement of Children.

Section 7. Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

Section 8. As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the Governor. The Governor is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.

**HR 4,** A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

WHEREAS, additional personnel are necessary to expedite properly the business of the Senate and the House of Representatives; and

WHEREAS, the present appropriation of the Legislative Research Commission is insufficient to provide adequate clerical services to the General Assembly;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That there be appropriated out of the General Expenditure Fund to the Legislative Research Commission the sum of one thousand seven hundred and fifty dollars per calendar day during all regular and special sessions of the General Assembly. This appropriation shall be available for expenditure during the 1965-1966 fiscal year.

WHEREAS, the General Assembly is now in session and it is necessary that these funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including January 4, 1966.

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

Kentucky Statutes # 2: **HR 9.**

Ways and Means: **HR 14, HR 15.**

**Introduction of Bills and Resolutions**

**HB 86,** by Representative John Y. Brown: AN ACT relating to land purchased or leased with state funds.

**HB 87,** by Representative John Y. Brown: AN ACT relating to transfers of property by or to the Commonwealth of Kentucky.

**HB 88,** by Representative John Y. Brown: AN ACT relating to the acquisition, use and control, and disposition of real property.

**HB 89,** by Representative John Y. Brown: AN ACT relating to the establishment of a secondary school for the education of exceptionally talented but culturally and economically deprived children.

**HB 90,** by Representative John Y. Brown: AN ACT relating to accounting systems and procedures of state government.

**HB 91,** by Representative John Y. Brown: AN ACT relating to purchases from the federal government and from other state governments.

**HB 92,** by Representative John Y. Brown: AN ACT relating to the penalties involved in the bidding process of the purchasing laws of the Department of Finance.

**HB 93,** by Representative John Y. Brown: AN ACT relating to local debt management.

**HB 94,** by Representative John Y. Brown: AN ACT relating to political subdivisions of the Commonwealth.

**HB 95,** by Representative John Y. Brown: AN ACT relating to the designation of state purchased books as property of the state.

**HB 96,** by Representative John Y. Brown: AN ACT relating to printing by the University of Kentucky.

**HB 97,** by Representative John Y. Brown: AN ACT relating to trust and agency fund accounts.

**HB 98,** by Representative John Y. Brown: AN ACT relating to the sale of realty by the University of Kentucky.

**HB 99,** by Representative John Y. Brown: AN ACT relating to the purchasing requirements and procedures of the Commonwealth of Kentucky.

**HB 100,** by Representative John Y. Brown: AN ACT relating to food establishments, hotels, rooming houses, boarding houses and restaurants.

**HB 101,** by Representatives Murphy, Ostertag and Overman: AN ACT relating to the sale of distilled spirits or wine.

**HB 102,** by Representative DeMarcus: AN ACT relating to the administration of state government.

**HB 103,** by Representative Carroll: AN ACT relating to the appointment of a curator.

**HB 104,** by Representatives Hinkle, McNamara, Jordan, Barber, Peniston, Howard Hunt, Jr., Martin, Tucker, Wells, Hardin, Bruce, Pile, Hopkins, E. G. Brown, C. R. Miller, Hoffman, Harper, Dempsey, Sartin, Hoe, Floyd, Kessinger, Majors, Kelly, Whitlock, Murphy, Chapman, Pettit, Isler, Osborn, Lassiter, Clark, Hale, Denham, Smothers, Bourne, Morgan, Bates, Arnett, Criscillis, Webster, Bondurant, Secrest and McBrayer: AN ACT relating to the Teachers' Retirement System of the State of Kentucky.

**HB 105,** by Representatives Bondurant and Barber: AN ACT providing for uniform attire for sheriffs and deputy sheriffs at county expense.

**HB 106,** by Representatives Bondurant and Barber: AN ACT relating to the compensation of sheriffs for collecting taxes:

**HB 107,** by Representatives Bondurant and Barber: AN ACT relating to payment of expenses of sheriffs.

**HB 108,** by Representative DeMarcus: AN ACT relating to the merit system for state personnel.

**HB 109,** by Representatives Russell, McCowan, Wheeler, Hislope, Kessinger, Blythe, Caldwell, Dempsey, Buky, Ostertag,

Eicher, Archie Brown, Jones, DeMarcus, Vanover, Secrest, Leeds, White, Wright, Bicknell, Riddle, Sartin and Floyd: AN ACT relating to revenue and taxation.

**HB 110,** by Representative Jordan: AN ACT relating to judicial retirement.

**HB 111,** by Representative John Y. Brown: AN ACT relating to unemployment insurance.

**HB 112,** by Representative John Y. Brown: AN ACT relating to unemployment insurance.

**HB 113,** by Representative John Y. Brown: AN ACT relating to unemployment insurance.

**HB 114,** by Representative John Y. Brown: AN ACT relating to Social Security for public employees.

**HB 115,** by Representative John Y. Brown: AN ACT relating to the administration of Public Assistance.

**HB 116,** by Representatives Irick, Blythe, Chaudoin, Majors, Chapman, Whitlock, Secrest, Hale, Cox, Jordan, Pile, Hopkins and Arnett: AN ACT relating to special license plates for amateur radio station licensees.

**HB 117,** by Representatives Whitlock, Sartin, Brady, Russell Reynolds, Carroll and Watkins: AN ACT relating to state mileage allowances.

**HB 118,** by Representative Sheehan: AN ACT relating to salaries of mayors and commissioners in certain cities.

**HB 119,** by Representative Sheehan: AN ACT relating to justice's courts.

Representative Bates read a clipping from the State Journal.

Representative Hinkle moved that the contents of the clipping be spread upon the Journal. Agreed.

The Franklin County Teachers group said, "We sympathize with KEA in calling attention to the plight of schools in Kentucky by having a professional protest day, but we feel our problem is of a local nature."

The Franklin County Board has proposed building four new buildings with bonds to be retired from current revenue.

"We are not only interested in putting Kentucky in its rightful place in the national education ranks but also in putting Franklin County in its rightful place in the state," the local group said.

The salary committee of the local group issued the following statement today:

"We would not trade places with teachers in any other community. Neither do we intend to shirk the responsibility of trying to better our own community schools.

"We believe Gov. Breathitt and the legislature have done well in appropriating funds for teachers' salaries. Overall, we think they have been friends of the teachers in supporting our retirement system and other phases of teacher welfare. In the recent past they have granted increasing state support for local capital outlay and current expenses.

"However, our primary concern is with the distribution of state funds for teacher salaries after they have been allocated on the local level.

"Contrary to public opinion, individual teachers have not received the full amount of money appropriated by the legislature.

"For example, since 1960-61, Gov. Breathitt and Gov. Combs and the legislatures have appropriated $1600 in state funds for teacher pay. The maximum received by a Franklin County teacher during these six years is $980. This ranges downward to $830, and much less in a few instances."

Representative John Y. Brown moved that the House adjourn until 10 a.m., Friday, January 21, 1966.

On the roll call the vote was yeas 57—Arnett, Barber, Bates, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Caldwell, Chapman, Chaudoin, Cox, Denham, Eicher, Floyd, Hale, Harper, Hinkle, Hoffman, Hopkins, Irick, Johnson, Jones, Jordan, Keene, King, Leeds, Majors, McBrayer, McIntyre,

McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Sheehan, Short, Smothers, Tucker, Vanover, Warders, Watkins, Webster, Wright. Nays 5—Ball, Bicknell, Clark, Hoe, Kessinger.

The motion to adjourn was adopted.

## FRIDAY, JANUARY 21, 1966

## FIFTEENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Allen, Ballenger, Blythe, E. G. Brown, Bruce, Carroll, Chaudoin, Clapp, Dempsey, Hale, Harris, Hislope, James E. Hunt, Irick, Isler, Maddox, Martin, C. R. Miller, Morgan, Murphy, Russell Reynolds, Secrest, Sheehan, Smith, Straney, Wells, Wheeler, White, Whitlock and Young.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 20, 1966, be dispensed with and the same approved. Agreed.

Representatives Johnson and Archie Brown requested that they be recorded as being co-sponsors of **HB 104.** Agreed.

### Report of Committees

The Committee on Conservation reported **HB 36** with Committee amendments with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 36,** AN ACT relating to the regulation and control of strip mining and providing for the administration thereof, the enactment of an Interstate Surface Mining Compact, and the providing for the reclamation of orphan spoil banks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART 1

Section 1. Section 350.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Strip Mining" means all or any part of the process followed in the production of [commercial] coal [,] [from a natural coal, or clay deposit] by the open pit or open cut method, [or] the auger method, *highwall mining method which requires a new cut or removal of overburden, or any other mining method or process in which the strata or overburden is removed or displaced in order to recover the coal, or in which the overburden is removed for the purpose of determining the location, quality or quantity of a natural coal deposit.* [but shall not include the casual removal of coal, or clay in building roads or other developments of the owner's property for purposes other than the production of coal, or clay by the open pit or open cut method or auger method]

(2) "Overburden" means all of the earth and other materials *which lie above a natural deposit of coal and also means such earth and other material after removal from their natural state* [which are removed to gain access to the commercial coal, or clay] in the process of strip mining;

(3) "Area of land affected" means the area of land from which overburden is to be or has been *removed and upon which the overburden is to be or has been* deposited and shall include all lands affected by *the construction of new roads or the improvement or use of existing roads other than public roads,* [roads constructed] to gain access and to haul coal;

(4) "Operation" means all of the premises, facilities, roads and equipment used in the process of producing coal from a designated strip mine area *or removing overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;*

(5) *"Method of operation" means the method or manner by which the cut or open pit is made, the overburden is placed or handled, water is controlled and other acts are performed by the operator in the process of uncovering and removing the coal;*

(6) "Operator" means any person, partnership or corporation engaged in strip mining [or prospecting to strip mine who disturbs more than one-fourth acre or] who removes or intends to remove more than one hundred tons of coal from the earth

by strip mining within twelve successive calendar months *or who removes overburden for the purpose of determining the location, quality or quantity of a natural coal deposit;*

(7) "Person" means persons, partnership or corporation;

(8) "Division" means the Division of [Strip Mining and] Reclamation;

(9) "Director" means the Director of the Division of [Strip Mining and] Reclamation of the Department of Natural Resources;

(10) "Commission" means the [Strip Mining and] Reclamation Commission;

(11) "Reclamation" means the reconditioning of the area of land affected by [a] strip mining [operation] under a plan approved by the division;

(12) "Degree" when used in this chapter shall mean from the horizontal, and in each case shall be subject to a tolerance of five *percent of error* [degrees];

(13) "Bench" means the ledge, shelf or terrace formed in the contour method of strip mining;

(14) *"Fill bench" means that portion of the bench which is formed by depositing overburden beyond the cut section.*

Section 2. Section 350.020 of the Kentucky Revised Statutes is amended to read as follows:

The General Assembly finds that the unregulated strip mining of coal causes soil erosion, *damage from rolling stones and overburden, landslides,* stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, *destroys aesthetic values,* counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards, and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that lands that have been subjected to strip mining

and have not been reclaimed and rehabilitated in accordance with modern standards constitute the aforementioned perils to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the strip mining of coal due primarily to difference in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. [The General Assembly further finds that other commercial activities involving the removal of minerals and other natural substances other than coal and clay from the earth by strip mining occasionally cause conditions or create results of the character enumerated above, but that no imminent or inordinate peril presently exists by reason thereof] Therefore, it is the purpose of this chapter to provide such regulation and control of the strip mining of coal as to minimize *or prevent* its injurious effects [as much as may be practicable] *on the people and resources of the Commonwealth. To that end, the Division and Commission are directed to rigidly enforce this chapter and to adopt whatever regulations are found necessary to accomplish the purpose of this chapter.*

Section 3. Section 350.024 of the Kentucky Revised Statutes is amended to read as follows:

There is hereby created in the Department of *Natural Resources* [Conservation] a [Strip Mining and] Reclamation Commission, which shall be composed of the Commissioner of *Natural Resources* [Conservation,] serving as chairman, the Commissioner of Mines and Minerals, and the Director of [Strip Mining and] Reclamation. The members of the Commission, other than the Director of [Strip Mining and] Reclamation, shall receive no compensation for their services on the Commission, but shall be reimbursed for their expenses incurred in performing their functions. The Commission shall meet from time to time on the call of any member, but shall meet at least four times each year.

Section 4. Section 350.028 of the Kentucky Revised Statutes is amended to read as follows:

The [Strip Mining and] Reclamation Commission shall have and exercise the following authority and powers:

(1) To adopt, after giving notice to all *operators* [operations] actively engaged in strip mining and affording them an opportunity to appear and offer evidence at a public hearing, general rules and regulations pertaining to strip mining to accomplish the purposes of this chapter;

(2) To adopt, without hearings, rules and regulations with respect to procedural aspects of Commission hearings;

(3) To conduct hearings under *provisions of this chapter or* regulations adopted by the Commission and for the purpose of any investigation or hearing, [under this chapter] the Commission or any member thereof may administer oaths or affirmations, subpoena witnesses, compel their attendance, take evidence and require production of any books, papers, correspondence, memoranda, agreements or other documents or records which the Commission deems relevant or material to the inquiry;

(4) To issue after hearing, orders requiring an operator to adopt such remedial measures as are necessary to comply with this chapter *and regulations adopted pursuant thereto;*

(5) *To issue after a hearing, a final order directing the Division to revoke a permit, when the requirements set forth by the notice of non-compliance, order of suspension, or an order of the Commission requiring remedial measures have not been complied with according to the terms therein.*

Section 5. Section 350.035 of the Kentucky Revised Statutes is amended to read as follows:

The Director of the Division of [Strip Mining] Reclamation shall be appointed by the Commissioner of *Natural Resources* [Conservation] in accordance with KRS 12.050.

Section 6. Section 350.050 of the Kentucky Revised Statutes is amended to read as follows:

The Division of [Strip Mining and] Reclamation of the Department of *Natural Resources* [Conservation] under the supervision of the Commissioner of *Natural Resources* [Conservation] shall have and exercise the following authority and powers:

(1) To exercise general supervision and administration and enforcement of this chapter and all rules and regulations and orders promulgated thereunder;

(2) To encourage and conduct investigations, research, experiments and demonstrations, and to collect and disseminate information relating to strip mining and reclamation of lands and waters affected by strip mining;

(3) To adopt, without hearing, rules and regulations with respect to the filing of reports, the issuance of permits and other matters of procedure and administration;

(4) To examine and pass upon all plans and specifications submitted by the operator for *the method of operation, backfilling, grading and for* the reclamation of the area of land affected by his operation;

(5) To make investigations or inspections which may be deemed necessary to insure compliance with any provision of this chapter;

(6) *To order, through personnel of the Division, the suspension of any permit for failure to comply with any of the provisions of this chapter or any regulations adopted pursuant thereto;*

(7) To order, through personnel of the Division, the stopping of any operation that is started without first having secured a permit as required by this chapter.

Section 7. Section 350.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator shall engage in strip mining without having first obtained from the Division a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one year from the date of its issuance;

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit *and the owner or owners of all surface area within five hundred feet of any part of the affected area;*

(c) The *owner or* owners of the coal, to be mined;

(d) The source of the applicant's legal right to [enter and] mine the coal, on the land affected by the permit;

(e) The permanent and temporary post office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(3) The application for a permit shall be accompanied by two copies of a United States Geological Survey topographic map on which the operator has indicated the location of the operation, *the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;*

(4) The application for a permit shall be accompanied by two copies of *an enlarged United States Geological Survey topographic map meeting the requirements of the subsections below.* [An accurate map showing the plan of reclamation for the area to be disturbed. Aerial photographs of the area shall be accept-

able if the plan for reclamation can be shown to the satisfaction of the division.] The map shall:

(a) Be *prepared and certified by a professional engineer, registered under the provision of KRS Chapter 322. The certification shall be in the form as provided in subsection (5) below;* [made by an engineer]

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining and *the boundaries of surface properties and names of owners on the affected area and within five hundred feet of any part of the affected area;* [adjacent surface owners.]

(d) Be of a scale of not less than *four hundred* [one hundred] feet to the inch and not to exceed six hundred and sixty feet to the inch;

(e) Show the names *and locations of all streams,* creeks, *or other bodies of public water,* roads, buildings, *cemeteries,* oil and gas wells, and *utility lines* on the area *of land affected* [to be strip mined] and with *five* [two] hundred feet of such area;

(f) Show by *appropriate markngs the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;* [The total area involved in the operation, the area of the coal or clay to be strip mined, and the area of land affected]

(g) *Show the date on which the map was prepared, the north point and the quadrangle name;*

(h) *Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;*

(5) *The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The Division may reject any map as incomplete if its accuracy is not so attested:*

(6) *In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and a reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto;* [The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of this chapter and the rules and regulations of the commission]

(7) A basic fee of fifty dollars plus twenty-five dollars for each acre or fraction thereof of the area of land to be affected by the operation [excepting roads as defined in subsection (3) of KRS 350.010] shall be paid before the permit required herein shall be issued. The operator shall file with the Division a bond payable to the Commonwealth of Kentucky with surety satisfactory to the Division in the penal sum to be determined by the Commission on the recommendation of the Director of not less than one hundred dollars nor more than five hundred dollars for each acre or fraction thereof of the area of land affected, with a minimum bond of two thousand dollars, conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the Commission. In determining the amount of the bond within the above limits, the Commission shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of *backfilling, grading and* reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the Commission, in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

Section 8. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

(1) On lands where the method of operation does not produce a bench (area strip mining), complete backfilling shall be required, beginning at or beyond the top of the highwall and sloped to the toe of the spoil bank at a maximum angle not to exceed the approximate original contour of the land with no depressions to accumulate water. Such backfilling shall eliminate

all highwalls and spoil peaks. Whenever directed by the Division, the operator shall construct in the final grading, such diversion ditches or terraces as will control the water runoff on long uninterrupted slopes. Additional restoration work may be required by the Division according to regulations adopted by the Commission;

(2) On lands where the method of operation produces a bench (contour strip mining), terrace backfilling shall be required and performed as follows:

(a) All highwalls must be reduced or backfilled. The steepest slope of the reduced or backfilled highwall and of the outer slope of the fill bench shall be no greater than forty-five degrees from the horizontal; provided however, if the highwall is composed of solid rock and sufficient soil is not available to backfill or cover the solid rock suitable to establish vegetative cover, the Commission, by regulation, may make modifications to the requirements of this section;

(b) The table portion of the restored area shall be a terrace with a slope toward the reduced highwall of not greater than ten degrees;

(c) The restored area shall have a minimum depth of four feet of fill over the floor of the pit from which the coal has been removed;

(d) There shall be no depressions to accumulate water but lateral drainage ditches connecting to natural or constructed waterways shall be constructed whenever directed by the Division;

(e) Additional restoration work may be required by the Division according to regulations adopted by the Commission;

(f) In addition to the backfilling and grading requirements above, the operator's method of operation on steep slopes may be regulated and controlled according to regulations adopted by the Commission. Such regulations may limit bench widths, control the amount of overburden to be placed beyond the solid bench, prohibit any overburden from being placed beyond the solid bench on precipitous slopes as defined by the Commission, or require any measure whatsoever to accomplish the purpose of this chapter.

(3) An operator may propose alternative plans other than backfilling where a water impoundment is desired, if such restoration will be consistent with the purpose of this chapter. Such plans are to be submitted to the Division, and if such plans are approved by the Reclamation Commission and complied with within the time limits as may be determined by the Commission as being reasonable for carrying out such plans, the backfilling requirements of this chapter may be modified by the Commission.

(4) As determined by regulations of the Commission, time limits shall be established requiring backfilling, grading and planting to be kept current. All backfilling and grading shall be completed before necessary equipment is moved from the operation;

(5) If the operator or other person desires to conduct drift mining upon the premises or use the openings for haulage-ways or other lawful purposes, the operator may designate locations to be used for such purposes at which places it will not be necessary to backfill as herein provided for until such drift mining or other use is completed, during which time the bond on file for that portion of the operation shall not be released. That portion of such location shall be described and designated on the map attached thereto;

(6) When the backfilling and grading have been completed and approved by the Division, the Director shall release the bond which was filed for that portion of such operation in its full amount less one hundred dollars per acre, which shall be retained by the Division until such time as the planting and revegetation is done according to law and approved by the Division, at which time the Director shall release the bond in the remaining amount of one hundred dollars per acre.

Section 9. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

After the operation has been backfilled, graded and approved by the Division, the operator shall prepare the soil and plant trees, shrubs, grasses and legumes upon the area of the land affected in order to provide a suitable vegetative cover. The seed or plant mixtures, quantities, method of planting, type and amount

of lime or fertilizer, and any other measures necessary to provide a suitable vegetative cover shall be defined by regulations of the Commission.

Section 10. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

(1) No application for a permit shall be approved by the Division if there is found on the basis of the information set forth in the application that the requirements of this Chapter or regulations will not be observed or that there is not probable cause to believe that the proposed method of operation, backfilling, grading or reclamation of the affected area can be carried out consistent with the purpose of this Chapter;

(2) If the Division finds that the overburden on any part of the area of land described in the application for a permit is such that experience in the Commonwealth with a similar type of operation upon land with similar overburden shows that substantial deposition of sediment in stream beds, landslides, or acid water pollution cannot feasibly be prevented, the Division may delete such part of the land described in the application upon which such overburden exists;

(3) If the Division finds that the operation will constitute a hazard to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake or other public property, the Division shall delete such areas from the permit application before it can be approved;

(4) The Division shall not give approval to strip mine any area which is within one hundred feet of any public road, stream, lake or other public property and shall not approve the application for a permit where the strip mining operation will adversely affect a state, national or interstate park unless adequate screening and other measures as approved by the Commission are incorporated into the permit application.

Section 11. Section 350.070 of the Kentucky Revised Statutes is amended to read as follows:

The Division may increase or reduce the area of land affected by an operation under a permit on application by an

operator, but an increase shall not extend the period for which an original permit was issued. An operator may, at any time within one year from the date of issuance of the permit, apply to the Division for an amendment of the permit so as to increase or reduce the acreage affected by it. The operator shall file an application and map in the same form and with the same content as required for an original application under *this chapter* [KRS 350.060] and shall pay a basic fee of *fifty* [ten] dollars, plus a fee of twenty-five dollars for each acre or fraction of acre for the increase requested, and shall file with the Division a supplemental bond in the amount to be determined under the provisions of KRS 350.060 for each acre or fraction of an acre of the increase approved. If the Division approves a reduction in the acreage covered by the original *or supplemental* pemit, it shall release the bond for each acre reduced, but in no case shall the bond be reduced below *two* [one] thousand dollars, except as provided in subsection *(7)* [4] of KRS 350.060. *If the Division approves a reduction in acreage covered by the original or supplemental permit, it shall transfer the acreage fee for each acre reduced to acreage fees in subsequent permit applications by the operator.*

Section 12. Section 350.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Under *the provisions of this chapter and* regulations adopted by the Commission, an operator shall prepare and carry out a *method of operation, plan of grading and backfilling and a* reclamation plan for the area of land affected by his operation. In developing a *method of operation, and the plans of backfilling, grading and reclamation,* [plan of reclamation] all measures shall be taken to eliminate damages to *members of* the public, *their real and personal property, public roads, streams and all other public property* [and adjacent property owners] from soil erosion, *rolling stones and overburden,* water *pollution* and hazards dangerous to life and property. The plan shall be submitted to the Division and the Division shall notify the applicant by registered mail within twenty working days after receipt of the *plans and complete application* [plan] if it is or is not acceptable. [In considering the plan, the Division shall consult with the Soil Conservation District created under KRS 262.010

to KRS 262.660 in which the operation takes place.] If the plan is not acceptable, the Division shall set forth the reasons for which the plan is not acceptable *and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the Division,* [If the applicant cannot agree to modifications set out by the Division,] he may, by written notice, request a hearing by the Commission. The Commission shall notify the applicant by registered mail within twenty days *after the hearing* of its decision. Any person aggrieved by a final order of the Commission may appeal through the courts as set forth in KRS 350.032;

(2) *In addition to the method of operation, grading, backfilling and reclamation requirements of this chapter and regulations adopted pursuant thereto, the operator, consistent with the directives of subsection (1) above, shall be required to perform the following:* [The plan shall require the operator to:]

(a) Cover the face of the coal with compacted *non-acid bearing and non-toxic* materials to a distance of at least *four* [two] feet above the seam being strip mined [at an angle not to exceed forty-five degrees] or by a permanent water impoundment;

(b) Bury *under adequate fill* all toxic materials, roof coal, pyritic coal or shale determined by the Division to be acid producing, *toxic,* or creating a fire hazard;

(c) Seal off, *as directed by regulations,* any break through *of acid water* creating a hazard;

(d) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

[(e) Grade the overburden to a rolling topography to be defined by regulation, and provide suitable vegetative cover.]

(e) Remove or bury all metal, lumber, and other refuse resulting from the operation;

[(f) Cover all holes at the face that have been made by the auger mining operation with compacted material to a distance of at least two feet above the seam being augered at an angle not to exceed forty-five degrees or by a permanent water impoundment.]

(3) No operator shall throw, dump, pile or permit the dumping, piling or throwing or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature *beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060* [upon or into any public roads, ways or any other public property, public streams, ponds, lakes, or any other public surface or subterranean waters of the Commonwealth or any adjacent property owners whose surface area is not included in the application for a permit] or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go *beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.* [upon or into any public roads, ways, or any other public property, public streams, ponds, lakes, or any other public or subterranean waters of the Commonwealth or any adjacent property owners whose surface area is not included in the affected area as described in the application for a permit]

Section 13. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

All strip mines operating under a permit from the Division shall display appropriate signs at the points of access to each operation adjacent to the nearest public highway. These signs shall be at least two feet by four feet, constructed of a wooden or other durable material, and clearly identify the name of the operator and number of his strip mining permit. Such signs shall be maintained during the life of the operation. Failure to post such sign shall be grounds for the revocation of the permit.

Section 14. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

All trees, shrubs, grasses and legumes required by this chapter and regulations to be planted or seeded on the area of land affected shall become the property of the landowner, unless the operator and the landowner agree otherwise.

Section 15. Section 350.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) It shall be the duty of an operator to commence the reclamation of the area of land affected by his operation as soon as possible after the beginning of strip mining of that area in accordance with *plans* [a plan of reclamation] previously approved by the Division, and to complete such reclamation within twelve months after the permit has expired except that such grading, *backfilling* and water management practices that are approved in the *plans* [plan of reclamation] shall be kept current with the operation *as defined by regulations of the Commission* and no permit or supplement to a permit shall be issued, if in the discretion of the Division, these practices are not current;

(2) If an investigation indicates that planting so as to provide vegetative cover of an area of land affected by strip mining may not be successful, the Division may authorize the operator to defer such planting until the soil has become suitable for such purposes and a yearly report shall be filed with the Division [each twelve months] indicating the soil conditions until a successful planting or seeding has been completed. It may authorize the operator, with the approval of the Commission, to do planting to provide vegetative cover for a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip mining in the past which has soil that has become suitable for planting, of not less acreage than the land covered by the permit. An application by the operator for authority to plant a different area of land shall identify the different area and shall be accompanied by a map showing its location, area and boundaries. [An aerial photo may be acceptable if it shows the necessary details to the satisfaction of the Division.] The application shall be accompanied by the written consent of the owner of the land covered by the permit to release the operator from his obligation to provide a vegetative cover for the land covered by the permit. If the Division grants the application for the planting of a different area of land and the planting is carried out in accordance with its orders, the operator shall be relieved of his obligation to provide a vegetative cover for the area of land affected by his operation for which a different area of land has been substituted.

Section 16. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

(1) When the planting of a permit area is completed, the operator shall file a planting report with the Division on a form to be prescribed and furnished by the Division, giving the following information:

(a) Identification of the operation;

(b) The type of planting or seeding, including mixtures and amounts;

(c) The date of planting or seeding;

(d) The area of land planted;

(e) Such other relevant information as the Director may require;

(2) All planting reports shall be certified by the operator;

(3) Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been established. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season. If the Division determines that a satisfactory vegetative cover has been established, it shall then release the remaining bond held on the area reclaimed.

Section 17. Section 350.110 of the Kentucky Revised Statutes is amended to read as follows:

If the Division authorizes an operator to defer planting to provide vegetative cover for an area of land, it shall set the time within which such planting shall be carried out. If the operator has carried out on that area of land the *method of operation, backfilling, grading and* reclamation plans approved by the Division other than the planting, the Division shall issue to the operator and to his surety a release of his surety bond or other securities held on deposit for each acre of land for which such *method of operation, backfilling, grading and* reclamation *have* [has] been carried out, less the sum of *one hundred* [fifty] dollars for each acre, but in no case shall the bond be reduced below one thousand dollars except as provided in KRS 350.060. The remaining amount of the bond of *one hundred* [fifty] dollars for each acre of land affected shall remain in the possession of the Division until a satisfactory planting plan has been carried

out, or until it has been forfeited by the operator. If the remainder is forfeited, it shall be expended by the Division in a planting program for the area of land for which it has been posted. *If the operator does not meet the planting requirements but does not want his bond forfeited, he may pay to the Division a sufficient sum to cover the remaining reclamation costs and the bond filed by him as surety may then be released by the Division.*

Section 18. Section 350.120 of the Kentucky Revised Statutes is amended to read as follows:

Within sixty days after the date of expiration of a permit, the operator shall file with the Division a report stating the exact number of acres of land affected by the operation, the extent of the reclamation already accomplished by him, and such other information as may be required by the rules and regulations of the Division and the Commission. The report shall be accompanied by a copy of the map filed with the original application which shall show any revisions made necessary by results of the operation. [If the report shows that the operator has complied with the requirements of this chapter and with the rules and regulations of the Commission and the Division and has carried out a plan of reclamation approved by the Division, the Divison shall approve the report and the bond filed by him as surety shall be released by the Division. If the Division does not approve the report, the bond shall not be released until the operator complies with the orders of the Commission and the Division to meet requirements of this chapter and its regulations. The operator may, in lieu of providing a suitable vegetative cover as provided in KRS 350.090 and if all other parts of the plan of reclamation previously approved are carried out to the satisfaction of the Division, pay to the Division a sum agreed upon by the Division and the Division shall approve the report and the bond filed by him as surety shall be released by the Dvision.]

Section 19. Section 350.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) If *any of* the requirements of this chapter *or rules or regulations adopted pursuant thereto* or the orders of the Division and the Commission have not been complied with within the

time limits set by the Division or the Commission or by this chapter, the Division shall cause a notice of non-compliance to be served upon the operator, *or where found necessary, the Director shall order the suspension of a permit. Such notice or order shall be handed to the operator in person or served* by registered mail addressed to the permanent address shown on the application for a permit. The notice of *non-compliance or order of suspension* shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the Division and the Commission. If the operator has not reached an agreement with the Division or has not complied with the requirements set forth *in the notice of non-compliance or order of suspension within time limits set therein,* [by it within forty days after mailing of the notice] the permit may be revoked by *order of the Commission* [the Division] and the performance bond shall then be forfeited to the Division;

(2) When a bond is forfeited pursuant to the provisions of this chapter, the Director shall give notice to the Attorney General, who shall collect the forfeiture;

(3) An operator whose mining permit has been revoked shall not be eligible to receive another permit or to have suspended permits reinstated until he shall have complied with all the requirements of this chapter in respect to former permits issued him, provided, further, that no operator shall be eligible to receive another permit who has forfeited any bond unless the land for which the bond was forfeited has been reclaimed without cost to the state or the operator has paid into the Strip Mining and Reclamation Fund such sum as the Commission finds is adequate to reclaim such lands. *The Division shall not issue any additional permits to any operator who has repeatedly been in non-compliance or violation of this chapter, or who has had permits revoked on more than three occasions.*

Section 20. Section 350.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the reclamation of land affected by strip mining for which it has funds available, the Division may avail itself of any services which may be provided by other state agencies or by agencies of the Federal Government, and may compensate

them for such services. *The Division may also receive any federal funds, state funds or any other funds for the reclamation of land affected by strip mining.* The Division may cause the reclamation work to be done by its own employees or by employees of other governmental agencies, Soil Conservation Districts, or through contracts with qualified persons. Such contracts shall be awarded to the lowest *responsible* [or best] bidder upon competitive bids after reasonable advertisement. The Division and any other agency and any contractor under a contract with the Division shall have the right of access to the land affected to carry out such reclamation.

(2) Any funds available to the Commission and any public works program (both funds and services) may be used and expended to reclaim and rehabilitate any lands that have been subjected to strip mining that have not been reclaimed and rehabilitated in accordance with [modern] standards *set by this chapter or regulations thereunder* and which are not covered by bond to guarantee such reclamation;

(3) A person or organization, having qualifications acceptable to the Commission, may post bond *or a cash deposit, in a sum determined by the Commission,* and assume the liability for carrying out the reclamation plan approved by the Division in areas where the mining operation and any necessary grading *and backfilling* have been completed. The Division shall then release the bond posted by the operator for such area.

Section 21. Section 350.170 of the Kentucky Revised Statutes is amended to read as follows:

This chapter shall not be construed as repealing any of the laws of the Commonwealth relating to the pollution of the waters thereof, any conservation or mining laws, but shall be held and construed as ancillary and supplemental thereto. [No regulation or order of the Commission under this chapter shall be in conflict with any regulation or order of the Kentucky Water Pollution Control Commission relating to the disposal of water from a strip mining operation.]

Section 22. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

The use of explosives for the purpose of blasting in connection with strip mining in the neighborhood of any public highway, public stream or other body of water, dwelling house, public building, school, church, cemetery, commercial or institutional building or pipe line shall be done in accordance with regulations adopted by the Commission.

Section 23. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

Any citizen of this Commonwealth having knowledge that any of the provisions of this chapter or regulations adopted thereunder are willfully and deliberately not being enforced by any public officer or employee, whose duty it is to enforce such provisions of this chapter and regulations thereunder, may bring such failure to enforce the law to the attention of such public officer or employee. To provide against unreasonable and irresponsible demands being made, all such demands to enforce the law must be in writing, under oath, with facts set forth specifically stating the nature of the failure to enforce the law. The stating of false facts and charges in such affidavit shall constitute perjury and shall subject the affiant to penalties provided under the law of perjury. If such public officer or employee neglects or refuses for any unreasonable time after demand to enforce such provision, any such citizen shall have the right to bring an action of mandamus in the Circuit Court of the county in which the operation which relates to the alleged lack of enforcement is being conducted. The court, if satisfied that any provision of this chapter or regulation thereunder is not being enforced, may make an appropriate order compelling the public officer or employee, whose duty it is to enforce such provision, to perform his duties, and upon failure to do so such public officer or employee shall be held in contempt of court and shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Section 24. Section 350.185 of the Kentucky Revised Statutes is amended to read as follows:

The [Strip Mining and] Reclamation Commission may appoint such advisory committees as would be of assistance to the Commission in the development of programs and policies.

Section 25. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

The operator shall place a monument at the beginning and end of each original and supplemental permit area. Such monument shall consist of a metal pipe, at least three inches in diameter, which shall be permanently fixed by the operator to protrude at least three feet above the surface. The permit number shall be placed on the monument.

Section 26. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

Irrespective of date of issuance of a permit, all operators shall immediately conform to any statutes enacted or regulations adopted on the effective date of such statute or regulation. This section shall not require the regrading or replanting of any area on which such work was satisfactorily performed prior to the effective date of the statute or regulation.

Section 27. Section 350.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person or operator who violates any of the provisions of this chapter *or regulations adopted pursuant thereto* or who fails to perform the duties imposed by these *provisions* [sections], or fails or refuses to obtain a permit as provided herein, or who violates any determination or order promulgated pursuant to the provisions of this chapter, shall be liable to a civil penalty of not *less than one hundred dollars nor* more than *one thousand* [two hundred and fifty] dollars for said violation, and an additional civil penalty of not *less than one hundred dollars nor* more than *one thousand* [two hundred and fifty] dollars for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney General in the Franklin Circuit Court or in the Circuit Court having jurisdiction of the defendant, and all sums recovered shall be placed in the State Treasury and credited to the Strip Mining and Reclamation Fund;

(2) It shall be the duty of the Attorney General, upon the

request of the Director, to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, against any operator or other person violating or threatening to violate any of the provisions of this chapter or violating or threatening to violate any order or determination promulgated pursuant to the provisions of this chapter;

(3) Any person who shall willfully violate any of the provisions of this chapter, or any determination or order promulgated pursuant to the sections of this chapter which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars and not more than *five thousand dollars* [one thousand five hundred]. Each day on which such violation occurs shall constitute a separate offense.

Section 28. Section 350.195 of the Kentucky Revised Statutes is hereby repealed.

## PART 2

Section 29. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

The Interstate Mining Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

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## INTERSTATE MINING COMPACT

### ARTICLE I. FINDINGS AND PURPOSES

(a) The party States find that:

1. Mining and the contributions thereof to the economy and well-being of every State are of basic signifance.

2. The effects of mining on the availability of land, water and other resources for other uses present special problems which properly can be approached only with due consideration for the rights and interests of those engaged in mining, those using or

proposing to use these resources for other purposes, and the public.

3. Measures for the reduction of the adverse effects of mining on land, water and other resources may be costly and the devising of means to deal with them are of both public and private concern.

4. Such variables as soil structure and composition, physiography, climatic conditions, and the needs of the public make impracticable the application to all mining areas of a single standard for the conservation, adaptation, or restoration of mined land, or the development of mineral and other natural resources; but justifiable requirements of law and practice relating to the effects of mining on land, water, and other resources may be reduced in equity or effectiveness unless they pertain similarly from State to State for all mining operations similarly situated.

5. The States are in a position and have the responsibility to assure that mining shall be conducted in accordance with sound conservation principles, and with due regard for local conditions.

(b) The purposes of this compact are to:

1. Advance the protection and restoration of land, water and other resources affected by mining.

2. Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water and air attributable to mining.

3. Encourage, with due recognition of relevant regional, physical, and other differences, programs in each of the party States which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated.

4. Assist the party States in their efforts to facilitate the use of land and other resources affected by mining, so that such use may be consistent with sound land use, public health, and public safety, and to this end to study and recommend, wherever desirable, techniques for the improvement, restoration or protection of such land and other resources.

5. Assist in achieving and maintaining an efficient and productive mining industry and in increasing economic and other benefits attributable to mining.

## ARTICLE II. DEFINITIONS

As used in this compact, the term:

(a) "Mining" means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on site farming or construction.

(b) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory or Possession of the United States.

## ARTICLE III. STATE PROGRAMS

Each party State agrees that within a reasonable time it will formulate and establish an effective program for the conservation and use of mined land, by the establishment of standards, enactment of laws, or the continuing of the same in force, to accomplish:

1. The protection of the public and the protection of adjoining and other landowners from damage to their lands and the structures and other property thereon resulting from the conduct of mining operations or the abandonment or neglect of land and property formerly used in the conduct of such operations.

2. The conduct of mining and the handling of refuse and other mining wastes in ways that will reduce adverse effects on the economic, residential, recreational or aesthetic value and utility of land and water.

3. The institution and maintenance of suitable programs for adaptation, restoration, and rehabiliation of mined lands.

4. The prevention, abatement and control of water, air and soil pollution resulting from mining, present, past and future.

## ARTICLE IV. POWERS

In addition to any other powers conferred upon the Interstate Mining Commission, established by Article V of this compact, such Commission shall have power to:

1. Study mining operations, processes and techniques for the purpose of gaining knowledge concerning the effects of such operations, processes and techniques on land, soil, water, air, plant and animal life, recreation, and patterns of community or regional development or change.

2. Study the conservation, adaptation, improvement and restoration of land and related resources affected by mining.

3. Make recommendations concerning any aspect or aspects of law or practice and governmental administration dealing with matters within the purview of this compact.

4. Gather and disseminate information relating to any of the matters within the purview of this compact.

5. Cooperate with the federal government and any public or private entities having interests in any subject coming within the purview of this compact.

6. Consult, upon the request of a party State and within resources available therefor, with the officials of such State in respect to any problem within the purview of this compact.

7. Study and make recommendations with respect to any practice, process, technique, or course of action that may improve the efficiency of mining or the economic yield from mining operations.

8. Study and make recommendations relating to the safeguarding of access to resources which are or may become the subject of mining operations to the end that the needs of the economy for the products of mining may not be adversely affected

by unplanned or inappropriate use of land and other resources containing minerals or otherwise connected with actual or potential mining sites.

## ARTICLE V. THE COMMISSION

(a) There is hereby created an agency of the party States to be known as the "Interstate Mining Commission", hereinafter called "the Commission." The Commission shall be composed of one commissioner from each party State who shall be the Governor thereof. Pursuant to the laws of his party State, each Governor shall have the assistance of an advisory body (including membership from mining industries, conservation interests, and such other public and private interests as may be appropriate) in considering problems relating to mining and in discharging his responsibilities as the commissioner of his State on the Commission. In any instance where a Governor is unable to attend a meeting of the Commission or perform any other function in connection with the business of the Commission, he shall designate an alternate, from among the members of the advisory body required by this paragraph, who shall represent him and act in his place and stead. The designation of an alternate shall be communicated by the Governor to the Commission in such manner as its bylaws may provide.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission making a recommendation pursuant to Article IV-3, IV-7, and IV-8 or requesting, accepting or disposing of funds, services, or other property pursuant to this paragraph, Articles V(g), V(h), or VII shall be valid unless taken at a meeting at which a majority of the total number of votes on the Commission is cast in favor thereof. All other action shall be by a majority of those present and voting: provided that action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, is present. The Commission may establish and maintain such facilities as may be necessary for the transacting of business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice-chairman, and a treasurer. The Commission shall appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission. The Executive Director, the Treasurer, and such other personnel as the Commission shall designate shall be bonded. The amount or amounts of such bond or bonds shall be determined by the Commission.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party States, the Executive Director with the approval of the Commission, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with a party State, a suitable retirement system for its employees. Employees of the Commssion shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as it may deem appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any State, the United States, or any other governmental agency, or from any person, firm, association or corporation.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (g) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount

and conditions, if any, of the donation, grant or services borrowed and the identity of the donor or lender.

(i) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.

(j) The Commission annually shall make to the Governor, legislature and advisory body required by Article V (a) of each party State a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been made by the Commission. The Commission may make such additional reports as it may deem desirable.

## ARTICLE VI. ADVISORY, TECHNICAL, AND REGIONAL COMMITTEES

The Commission shall establish such advisory, technical, and regional committees as it may deem necessary, membership on which shall include private persons and public officials, and shall cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities. Such committees may be formed to consider problems of special interest to any party States, problems dealing with particular commodities or types of mining operations, problems related to reclamation, development, or use of mined land, or any other matters of concern to the Commission.

## ARTICLE VII. FINANCE

(a) The Commission shall submit to the Governor or designated officer or officers of each party State a budget of its estimated expenditures for such period as may be required by the laws of that party State for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

The total amount of appropriations requested under any such budget shall be apportioned among the party States as follows: one-half in equal shares; and the remainder in proportion to the value of minerals, ores, and other solid matter mined. In determining such values, the Commission shall employ such available public source or sources of information as, in its judgment, present the most equitable and accurate comparisons among the party States. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of minerals, ores, and other solid matter mined.

(c) The Commission shall not pledge the credit of any party State. The Commission may meet any of its obligations in whole or in part with funds available to it under Article V (h) of this compact: provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article V (h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

## ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into force when enacted into law by any four or more States. Thereafter, this compact shall become effective as to any other State upon its enactment thereof.

(b) Any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

## ARTICLE IX. EFFECT ON OTHER LAWS

Nothing in this compact shall be construed to limit, repeal or supersede any other law of any party State.

## ARTICLE X. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating herein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

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Section 30. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

(1) The "Mining Council", hereinafter called "the Council", is hereby established in the office of the Governor. The Council shall be the advisory body referred to in Article V(a) of the Interstate Mining Compact. No member of the Council shall receive any compensation on account of his service thereon, but any such member shall be entitled to reimbursement for expenses actually incurred by him in connection with his possible service as the Governor's alternate on the Interstate Mining Commission;

(2) The Council shall be composed of seven members; three of whom shall be representatives of mining industries; two of whom shall be representatives of non-governmental conservation interests; the Commissioner of Natural Resources and the Director of the Division of Reclamation;

(3) The members of the Council representing mining industries and non-governmental conservation interests shall be appointed by the Governor. The term of office of such members shall be for four years concurrent with that of the Governor or until their successor has been qualified.

Section 31. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

In accordance with Article V(i) of the Compact, the Commission shall file copies of its bylaws and any amendments thereto with the Division of Reclamation.

**PART 3**

Section 32. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

(1) The Commonwealth, acting by and through its Department of Natural Resources, shall have the power to acquire, either by negotiation or by exercise of the power of eminent domain, land which has been affected or disturbed by strip or augur mining, which now consists of orphan banks or unreclaimed spoil piles, and which in its present state is hazardous or otherwise detrimental to the health and safety of the citizens of the Commonwealth, and for the restoration of which Federal funds have been made available;

(2) Prior to acquiring any land pursuant to Part 3 of this Act, the Department of Natural Resources shall extend to the owners thereof an opportunity to backfill, grade, plant and do other acts of restoration thereon to the same extent and within the same time limits as prescribed by Chapter 350 of the Kentucky Revised Statutes and regulations adopted pursuant thereto. If the owner or owners agree in writing to perform such restoration and, weather permitting, start such restoration within a period of thirty days, the land shall not be acquired by the Commonwealth;

(3) The Department of Natural Resources shall attempt to purchase any land which it has determined should be acquired for the purpose of restoration and which the owners have not agreed to restore as provided in subsection(2) above. In any case where the Department and the owners of the land are unable to agree upon the amount to be paid for the land, the Department may exercise the power of eminent domain against such land by filing a condemnaton suit under any procedure as provided in Chapter 416 of the Kentucky Revised Statutes;

(4) The purchase price, in the case of a negotiated acquisition, or the damages as finally determined, in the case of acquisition by condemnation, and the necessary expenses incidental thereto, shall be paid from the Reclamation Fund or appropriations made by the General Assembly for such purposes and appropriations to which Federal Funds made available for such purposes have been credited.

Section 33. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

The Division of Reclamation shall have the power to backfill, grade, plant and perform other acts of restoration and reclamation, or contract for the performance of such restoration work, on any lands acquired under Part 3 of this Act, to the extent and subject to such conditions as State or Federal funds are appropriated and available therefor.

Section 34. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

(1) After restoration of the acquired land, the Department

of Natural Resources may, with the approval of the Governor, transfer jurisdiction of such land, or any portion thereof, to any State agency that can best utilize such land for public purposes;

(2) If the retention of such land is determined to be impractical, the Department of Natural Resources, may, with the approval of the Governor, sell such land to political subdivisions of the Commonwealth at the cost of acquisition and restoration or public sale to the highest bidder. Such land shall be sold subject to the condition that no strip mining shall be carried on thereon at any time thereafter. The proceeds of any such sale shall be credited to the Reclamation Fund as provided for in Section 37 (2) of this Act.

Section 35. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

No land, with respect to which a bond conditioned upon the restoration thereof is in effect, shall be acquired pursuant to the provisions of Part 3 of this Act, nor shall this Act be construed to relieve any person from any obligation to backfill, grade, plant or perform other restoration and reclamation required by law.

Section 36. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

All acquisitions and disposals of land or any interests therein pursuant to the authority granted by Part 3 of this Act shall be governed by the applicable provisions of Chapters 45 and 56 of the Kentucky Revised Statutes.

Section 37. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

(1) The Division of Reclamation is authorized and empowered to receive and accept from the Commonwealth or any of its agencies and from Federal agencies appropriations or grants to accomplish the purposes of Part 3 of this Act, and to receive and accept aid or contributions from any source of either money, property, labor or any other things of value, to accomplish the purposes of Part 3 of this Act;

(2) All funds available or paid to the Division of Reclama-

tion under Part 3 of this Act, shall be placed in the State Treasury and credited to a special agency account to be designated as the Reclamation Fund. Any unencumbered and any unexpended balance of this fund at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of Part 3 of this Act until expended or until appropriated by subsequent legislative action.

Section 38. A new Section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

The Reclamation Commission, after Public Hearing, may adopt reasonable regulations for the reclamation of land disturbed or removed in the mining of clay. Such regulations shall encourage water impoundments and shall follow the standards established in Article III of the Interstate Mining Compact. The Reclamation Commission shall have the authority to adopt such regulations prior to the effective date of the Interstate Mining Compact and irrespective of whether the State becomes a member or withdraws from membership in the Interstate Mining Compact.

Committee amendment No. 1 to **HB 36** is as follows:

Amend printed copy of House Bill 36 by:

deleting the phrase "or clay" at the following places: page 1, line 5;page 1, line 10; page 2, line 2; page 2, line 7; page 2, line 16; page 2, line 18; page 2, line 21; page 2, line 26; page 3, line 2; page 3, line 5; page 8, line 14; page 8, line 16; page 10, line 6; page 12, line 26; page 18, line 3;

and by deleting the phrase "and clay" at the following places: page 3, line 27; page 4, line 15; page 4, line 27.

Committee amendment No. 2 to **HB 36** is as follows:

Amend printed copy of House Bill 36 on page 1, line 7, by:

inserting after the words *"highway mining method"* the phrase *"which requires a new cut or removal of overburden"*.

Committee amendment No. 3 to **HB 36** is as follows:

Amend printed copy of House Bill 36 on page 4, line 6, by:

changing the word "crates" to read "creates";

and on page 25, line 13, by changing the word "declamation" to read "reclamation";

and on page 33, line 19, by changing the word "recitation" to read "recreation";

and on page 36, line 15, by changing the word "State" to "States".

Committee amendment No. 4 to **HB 36** is as follows:

Amend printed copy of House Bill 36 on page 27, line 10, by: deleting the word "shall" and inserting the word "may".

Committee amendment No. 5 to **HB 36** is as follows:

Amend printed copy of House Bill 36 on page 44 after line 28 by adding the following section:

Section 38. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

The Reclamation Commission, after public hearing, may adopt reasonable regulations for the reclamation of land disturbed or removed in the mining of clay. Such regulations shall encourage water impoundments and shall follow the standards established in Article III of the Interstate Mining Compact. The Reclamation Commission shall have the authority to adopt such regulations prior to the effective date of the Interstate Mining Compact and irrespective of whether the State becomes a member or withdraws from membership in the Interstate Mining Compact.

## Calendar

**HB 58, HB 59, HB 60, HB 61, HB 62, HB 63, HB 64, HB 66, HB 67, HB 68** and **HR 4** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

**HR 27**, by Representative Osborn: A RESOLUTION commending Governor Breathitt for his proposal to create a committee to study teachers salaries.

WHEREAS, Governor Edward T. Breathitt's recent statement of his intention to name a committee of legislators, educators and citizens to study the matter of increased salaries for

teachers and make recommendations for means of obtaining funds for these increases, has met with favorable acceptance in the House of Representatives; and

WHEREAS, the House of Representatives recognizes the need for more information relating to funds for teachers salaries;

NOW THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives hereby takes notice of the Governor's statement, commends him for his efforts to solve this problem in Kentucky and pledges the support of the members of this house on his proposal to establish this committee.

Section 3. That the Clerk of the House transmit a copy of this resolution to Governor Edward T. Breathitt.

Representative Osborn moved the adoption of **HR 27.** Agreed.

**Introduction of Bills and Resolutions**

**HR 22,** by Representative DeMarcus: A CONCURRENT RESOLUTION directing a study of the feasibility of providing free textbooks to resident students of public schools, colleges and universities.

**HR 23,** by Representative DeMarcus: A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a study on personal income in Kentucky.

**HR 24,** by Representative DeMarcus: A CONCURRENT RESOLUTION authorizing and directing the Legislative Research Commission to study the living standards of the Kentucky Negro.

**HR 25,** by Representative DeMarcus: A JOINT RESOLUTION directing the Legislative Research Commission to study food marketing from the farmer to the consumer, with emphasis on protection of the farmer's interest.

**HR 26,** by Representative DeMarcus: A RESOLUTION directing the Legislative Research Commission to study the business of the Kentucky Employes Credit Union with a view toward reduction of the rates charged by it and for determining the need of other reform in connection with it.

**HB 120,** by Representatives Blythe, Jones, Vanover and Pettit: AN ACT providing for the termination of a joint riverport authority created pursuant to KRS 65.510-65.650.

**HB 121,** by Representatives Harper, McCowan, Riddle, Archie Brown, Vanover, Russell, Brady, DeMarcus, Bicknell, Warders, Wright, Stuart and Secrest: AN ACT relating to commercial enterprises on limited access highways and turnpike projects.

**HB 122,** by Representatives Harper and Howard Hunt, Jr.: AN ACT relating to replevy of judgment or fine.

**HB 123,** by Representatives Harper, Kessinger, Russell and Wright: AN ACT providing for the liability of parents for damages to property by minors.

**HB 124,** by Representatives Harper, Leeds, Kessinger, Warders, Hoe, Ostertag, Overman and Wright: AN ACT relating to revenue and taxation.

**HB 125,** by Representative Russell: AN ACT relating to guide dogs for the blind.

**HB 126,** by Representatives Howard Hunt, Jr., John D. Miller, Hoffman, Pettit, Whitlock, Chaudoin, Irick, Blume, Chapman, Kessinger, Hoe and Caldwell: AN ACT relating to motor vehicle operator's licenses and permits.

**HB 127,** by Representative Howard P. Hunt, Jr.: AN ACT relating to county officers.

**HB 128,** by Representatives Stuart, Caldwell, John D. Miller, Hoffman, Watkins, McBrayer, Ballenger, Russell, Wright, Blume, Siemens and Eicher: AN ACT relating to exemption of property from seizure under legal process.

**HB 129,** by Representatives Blume, Vanover, Chapman, Siemens, Eicher and Criscillis: AN ACT relating to elevators, dumbwaiters and escalators: the safety and inspection thereof.

**HB 130,** by Representatives Siemens, Criscillis, Eicher, Blume and Vanover: AN ACT relating to safety and health of employes.

**HB 131,** by Representative McBrayer: AN ACT relating to the definition, licensing, and regulation of the business of selling, issuing or delivering checks, drafts, and money orders as a service or for a fee or other consideration; to permit the licensing of such business; to provide for the administration of this Act; and to prescribe penalties.

**HB 132,** by Representatives Stuart, McBrayer, Russell, Hoe, Eicher, Pettit, Whitlock, Warders, Howard Hunt, Jr., Hale, Hoffman, Caldwell, McIntyre, Brady, DeMarcus, Kessinger, Archie Brown, Riddle and Vanover: AN ACT relating to revocation of drivers' licenses.

**HB 133,** by Representatives Pettit, Hinkle, John Y. Brown, McCallum, Caldwell, Ball, Clark, Blume, Carroll, Whitlock, Stuart, John D. Miller, McNamara, Blythe, Short, McBrayer, Hoe, Harper, Howard Hunt, Jr., Barber, Hale, Wallace, Chapman, Warders, Majors, Cox and Roberts: AN ACT relaing to auto license plates.

Representative John Y. Brown moved that the House adjourn until 4 p.m., Monday, January 24, 1966.

On the roll call the vote was yeas 42—Arnett, Barber, Bicknell, Bondurant, Brady, John Y. Brown, Buky, Caldwell, Chapman, Clark, Cox, Criscillis, Denham, Hardin, Henry, Hoffman, Hopkins, Howard P. Hunt, Jr., Jones, Jordan, Kessinger, Leeds, Majors, McBrayer, McNamara, Osborn, Ostertag, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Sartin, Short, Smothers, Tucker, Wallace, Warders, Watkins, Webster, Wright. Nays 3—Bates, Eicher, Siemens.

The motion to adjourn was adopted.

## MONDAY, JANUARY 24, 1966

## SEVENTEENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend John L. Hunt of the South Frankfort Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Allen, Bartley, Blythe, Chaudoin, Floyd, Pettit, Russell Reynolds and Smith.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 21, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

Representative John Y. Brown moved that the Rules be suspended and that **HR** 4 be taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative John Y. Brown moved to amend **HR** 4 as follows:

Amend printed copy of House Resolution 4 on page 1, lines 2 and 3, by:

deleting the words "one thousand seven hundred and fifty"

and inserting in lieu thereof the words "two thousand three hundred".

Agreed.

On the roll call the vote was yeas 78—Arnett, Ballenger, Barber, Bates, Bicknell, Blume, Blythe, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Eicher, Hale, Harper, Harris, Hinkle, Hislope, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Johnson, Jones, Kelly,

Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 0.

**HR 4** as amended was passed and the title agreed to.

**HR 28,** by Representative Caldwell: A RESOLUTION concerning Committee meetings in the House of Representatives.

WHEREAS, the General Assembly is now entering the fourth week of the 1966 regular session; and

WHEREAS, no Committee Meetings have as yet been called for the consideration of any bills other than those of the Administration; and

WHEREAS, many members of the House have introduced bills on behalf of their constituents, and these are now referred to many Committees or are scheduled to be referred to Committees; and

WHEREAS, House Rule No. 41 states that "A Committee shall meet at the regular weekly scheduled time and place so long as business is pending before the Committee, and may also hold special meetings",

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the Chairman of all Committees having bills before them shall carry out Rule No. 41, and call a meeting before January 29, 1966, and once a week thereafter so long as said Committees have bills pending before them.

Representative Caldwell moved the adoption of HR 28.

On the roll call the vote was yeas 67—Arnett, Ball, Ballenger, Bates, Bicknell, Blythe, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman,

Clapp, Clark, Cox, DeMarcus, Dempsey, Denham, Eicher, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, James E. Hunt, Johnson, Jones, Jordan, Kelly, Kessinger, King, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Morgan, Osborn, Overman, Peace, Peniston, Pile, W. J. Reynolds, Riddle, Russell, Secrest, Short, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Wells, Wheeler, White, Wright. Nays 0.

**HR 28** was adopted.

**HR 29**, by Representative Dempsey: A CONCURRENT RESOLUTION to adjourn for February 3, 1966.

The Speaker referred **HR 29** to the Committee on Committees.

**HR 30**, by Representative Secrest: A RESOLUTION concerning teachers protest day, February 3, 1966.

Representative Secrest moved the adoption of **HR 30.**

Representative Barber moved that **HR 30** be laid on the table.

On the roll call the vote was yeas 39—Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Clapp, Clark, Cox, Criscillis, Hale, Hinkle, Hoffman, Hopkins, James E. Hunt, Jordan, Kessinger, Lassiter, Leeds, McBrayer, McNamara, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pile, W. J. Reynolds, Roberts, Siemens, Smothers, Watkins, Young. Nays 32—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, DeMarcus, Dempsey, Eicher, Harper, Hislope, Hoe, Johnson, Jones, Keene, King, Maddox, Martin, McCowan, McIntyre, Riddle, Russell, Sartin, Secrest, Short, Stuart, Vanover, Wallace, Warders, Wright.

**HR 30** was tabled.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Appropriations: **HB 73, HB 90, HB 97.**

Conservation: **HB 69.**

Courts and Legal Procedures: **HB 119, HB 86, HB 87, HB 88, HB 91.**

Constiutional Amendments: **HB 82, HB 83.**

Couny Government: **HB 72, HB 84, HB 93, HB 94, HB 103, HB 105, HB 106, HB 107.**

Criminal Law: **HB 76, HB 79, HB 92.**

Education: **HB 89, HB 104.**

Governmental Affairs: **HB 95, HB 99.**

Higher Education: **HB 96, HB 98.**

Insurance: **HB 81.**

Judiciary and Judicial Council: **HB 80, HB 110.**

Kentucky Statutes # 1: **HB 115.**

Kentucky Statues # 2: **HB 71, HB 78.**

Kentucky Statutes # 3: **HB 70, HB 74, HB 75, HB 77, HB 85, HB 102, HB 108, HB 117.**

Labor: **HB 111, HB 112, HB 113, HB 114.**

Municipalities: **HB 118.**

Public Health: **HB 100.**

Regulation of Intoxicating Liquors: **HB 101.**

Revenue and Taxation: **HB 109.**

Ways and Means: **HB 116.**

## Calendar

**HB 36** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Introduction of Bills and Resolutions

**HB 134,** by Representatives Irick, Webster, Smothers, and Tucker: AN ACT relating to jurors.

**HB 135,** by Representatives Caldwell, McCowan, DeMarcus, Harper, Buky, Ball, Clark, Hoe, Wheeler, Hislope, Wright, Russell, Johnson, McIntyre, James E. Hunt, Vanover, and Jones: AN ACT relating to the ownership and registration of motor vehicles.

**HB 136,** by Representatives Caldwell, Sartin, Wallace, Blythe, Buky, DeMarcus, Harper, Wheeler, Peace, Hislope, Kessinger, Bicknell, Archie Brown, Wright, Russell and Jones: AN ACT relating to emergency care of persons.

**HB 137,** by Representatives Caldwell, Buky, DeMarcus, Harper, Clark, Hoe, Wheeler, Peace, Hislope, Sartin, Wright, Russell, Johnson, Jones, McIntyre, James E. Hunt and Vanover: AN ACT relating to motor vehicle registration.

**HB 138,** by Representatives Caldwell, DeMarcus, Harper, Wheeler, Russell, Buky, Jones, Johnson, Vanover, Clark and Wallace: AN ACT relating to motor vehicle safety equipment.

**HB 139, by** Representatives Russell and Pile: AN ACT relating to elections.

**HB 140,** by Representatives Stuart, Keene, Bates, Brady, Bourne, Blythe, Eicher, John Y. Brown, John D. Miller, Wright, Kelly, Leeds, Siemens, Vanover, Hale, Russell, Blume, C. R. Miller, Ballenger, Ostertag, Buky, Caldwell, and Warders. AN ACT relating to revenue and taxation.

**HB 141,** by Representatives Watkins, Blythe, Eicher, Caldwell, McBrayer, Straney, Pile, White, Riddle, Majors, Wells, Chapman, and John Y. Brown: AN ACT relating to motor vehicle lighting.

## Senate Message

Announcing passage of **SB 5, SR 6** and **SR 7.**

Representative John Y. Brown moved that the House adjourn until 9:30 a.m., Tuesday, January 25, 1966.

On the roll call the vote was yeas 59—Arnett, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Bruce, Clapp, Clark, Cox, Denham, Hale, Hardin, Henry, Hoffman, Hopkins, Irick, Jones, Jordan, Keene, Kessinger, King, Lassiter, Maddox, Majors, Martin, McBrayer, McIntyre, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sartin, Sheehan, Siemens, Smothers, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Young. Nays 19—Ball, Blythe, Archie Brown, Buky, Caldwell, Dempsey, Eicher, Harper, Hoe, James E. Hunt, Johnson, McCowan, Riddle, Russell, Secrest, Short, Wells, White, Wright.

The motion to adjourn was adopted.

## TUESDAY, JANUARY 25, 1966

## EIGHTEENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend John L. Hunt of the South Frankfort Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Allen, Floyd, Majors and Young.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 24, 1966, be dispensed with and the same approved. Agreed.

Representative John Y. Brown moved that the House recess for dedication of the new Committee rooms on the fourth floor. Agreed.

The Speaker resumed the Chair and called the House to order.

### Motion, Petitions, and Communications

**HR 32,** by Representatives Straney, McBrayer, Hale, E. G. Brown, Bourne, Watkins and Peniston: A RESOLUTION petitioning the United States Government to increase the amount of pension received by Spanish American war veterans and their widows.

WHEREAS, the cost of living in the United States has for some time been spiralling upwards, and

WHEREAS, the majority of the population of wage earners and persons in public life have received wage and salary increases to adjust to the high cost of living, and

WHEREAS, the Court of Appeals has in its past opinions recognized that the dollar of today does not have the spending value that it once had, and

WHEREAS, those persons on fixed incomes find it difficult to adjust to the rise in the cost of living, and

WHEREAS, the veterans of the Spanish American war and their widows have not had their pensions increased for eight years,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives of the Commonwealth of Kentucky does hereby petition the Congress of the United States to increase the pensions of Spanish American war veterans and their widows to meet the rising cost of living.

Section 2. That the Clerk of the House of Representatives send a copy of this petition to the following persons:

Hon. John Sherman Cooper
United States Senate, Washington, D. C.

Hon. Thruston B. Morton
United States Senate, Washington, D. C.

Hon. John Watts
House of Representatives, Washington, D. C.

Hon. Tim Lee Carter
House of Representatives, Washington, D. C.

Hon. Frank Chelf
House of Representatives, Washington, D. C.

Hon. Frank Stubblefield
House of Representatives, Washington, D. C.

Hon. William H. Natcher
House of Representatives, Washington, D. C.

Hon. Charles P. Farnsley
House of Representatives, Washington, D. C.

Hon. Carl B. Perkins
House of Representatives, Washington, D. C.

Mrs. Ruth Cecil
Vine Grove, Kentucky.

Representative Straney moved the adoption of **HR 32.** Agreed.

**HR 31,** by Representative Kelly: A RESOLUTION supporting the Marine Corps Reserve Civic Action Programs for Viet Nam.

WHEREAS, the conflict in Viet Nam is more than just a military battle, and our servicemen must wear more than one hat by fighting a war and then restore communities and provide security for the people; and

WHEREAS, Viet Nam is a situation where both sides are battling to win the minds of the people; where victory for either side depends on the good will of the people rather than the physical occupation of land; where the need has been greatly demonstrated for supplies of medical aid, food, and clothing; and

WHEREAS, the poverty, illiteracy, fear, illness and hunger that prevail in many Viet Nam villages and hamlets are also unbelievable to the average American citizen; and

WHEREAS, the United States Marine Corps Reserve Civic Action Program for Viet Nam is an effort to provide assistance to the people of Viet Nam through school supplies, soap, farming tools, food and clothing for the children and other daily necessities; and

WHEREAS, the United States Marine Corps Reserve Civic Action Program for Viet Nam offers Kentucky citizens a "piece of the action" through their donations to CARE; and

WHEREAS, contributions should be made in the form of checks or money orders to CARE, Marine Corps Reserve Civic Action Program for Viet Nam, Washintgon, D. C.; and

WHEREAS, the Governor of Kentucky proclaimed the opening of the Marine Corps Reserve Civic Action Program for Viet Nam.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the House of Representatives, 1966 General Assembly, Commonwealth of Kentucky, does hereby urge all Kentuckians to support this campaign of the Marine Corps Reserve Civic Action Program for Viet Nam.

Representative Kelly moved the adoption of **HR 31.** Agreed.

**HR 33,** by Representatives Barber and Blume: A RESOLUTION requesting the teachers of the Commonwealth to delay their day of protest.

Representative Barber moved the adoption of **HR 33.**

Representative DeMarcus moved that **HR 33** be laid on the table.

On the roll call the vote was yeas 56—Arnett, Ball, Ballenger, Bicknell, Blythe, Bourne, Brady, Archie Brown, Buky, Caldwell, Chaudoin, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hinkle, Hislope, Hoe, Hopkins, James E. Hunt, Isler, Johnson, Jones, Kelly, Kessinger, Maddox, Majors, Martin, McCowan, McIntyre, McNamara, Morgan, Ostertag, Peace, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Smothers, Stuart, Vanover, Wallace, Warders, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 31—Barber, Bates, Blume, Bondurant, John Y. Brown, Bruce, Clapp, Hale, Hardin, Harris, Henry, Hoffman, Howard P. Hunt, Jr., Irick, Jordan, Keene, King, Lassiter, Leeds, McBrayer, C. R. Miller, John D. Miller, Murphy, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Smith, Tucker, Watkins.

**HR 33** was tabled.

## Orders of the Day

**HB 36** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative John Y. Brown moved the adoption of Committee amendment No. 1 to **HB 36.**

On the roll call the vote was yeas 76—Arnett, Ball, Ballenger, Barber, Bartley, Bates, Blume, Blythe, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Caldwell, Carroll, Chapman, Clapp, Cox, Denham, Eicher, Floyd, Hale, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Irick, Isler, Johnson, Jones,

Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Secrest, Short, Siemens, Smith, Smothers, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 3—Bruce, Hardin, Sartin.

Committee amendment No. 1 to **HB 36** was adopted.

Representative John Y. Brown moved the adoption of Committee amendment No. 2 to **HB 36.** Agreed.

Representative Morgan moved that **HB 36** be laid on the Clerk's desk.

On the roll call the vote was yeas 37—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clapp, Clark, Cox, DeMarcus, Dempsey, Eicher, Harper, Harris, Hislope, Hoe, Hopkins, Howard, P. Hunt, Jr., James E. Hunt, Johnson, Jones, Kessinger, McCowan, Morgan, Riddle, Russell, Sartin, Sheehan, Short, Straney, Vanover, Warders, Wells, Whitlock, Wright. Nays 53—Arnett, Barber, Bartley, Bates, Billings, Blume, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Criscillis, Denham, Floyd, Hale, Hardin, Henry, Hinkle, Hoffman, Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Leeds, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Secrest, Siemens, Smith, Smothers, Wallace, Watkins, Webster, White, Young.

The motion that **HB 36** be laid on the Clerk's desk was rejected.

Representative John Y. Brown moved the adoption of Committee amendment No. 3 to **HB 36.** Agreed.

Representative John Y. Brown moved the adoption of Committee amendment No. 4 to **HB 36.** Agreed.

Representative John Y. Brown moved the adoption of Committee amendment No. 5 to **HB 36.** Agreed.

Representative John Y. Brown moved the Previous Question on **HB 36** as amended.

On the roll call the vote was yeas 49—Arnett, Barber, Bartley, Bates, Blume, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Denham, Floyd, Hale, Hardin, Harris, Hinkle, Hoffman, Hopkins, Irick, Jordan, Keene, Kelly, Lassiter, Leeds, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pile, Russell Reynolds, Roberts, Short, Siemens, Smith, Smothers, Watkins, Webster, White, Whitlock, Young. Nays 41—Ball, Ballenger, Bicknell, Billings, Blythe, Bourne, Brady, Archie Brown, Buky, Caldwell, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Eicher, Harper, Hislope, Hoe, Howard P. Hunt, Jr., James E. Hunt, Johnson, Jones, Kessinger, Maddox, McCowan, Peace, Pettit, Riddle, Russell, Sartin, Secrest, Sheehan, Straney, Stuart, Vanover, Warders, Wells, Wheeler, Wright.

The motion on the Previous Question was adopted.

On the roll call the vote was yeas 83—Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Criscillis, Denham, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Vanover, Wallace, Warders, Watkins, Webster, Wheeler, White, Whitlock, Young. Nays 10—Buky, Cox, Dempsey, Harris, Kessinger, Russell, Sheehan, Stuart, Wells, Wright.

**HB 36** as amended was passed and the title agreed to.

Representative John Y. Brown moved that the vote by which **HB 36** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Bourne was granted permission by the Speaker and members to change his vote from "nay" to "yea" on the Previous Question roll call on **HB 36.**

### Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture: **HR 25.**

Banks and Banking: **HB 131.**

Constitutional Amendments: **HB 136.**

Governmental Affairs: **HB 125, HB 129.**

Judiciary and Judicial Council: **HB 122, HB 128.**

Kentucky Statutes # 1: **HB 124.**

Kentucky Statutes # 2: **HB 121, HB 134, HB 138.**

Kentucky Statutes # 3: **HB 123, HB 139, HR 22, HR 29.**

Motor Transportation: **HB 132, HB 135, HB 137, HB 141.**

Municipalities: **HB 120, SB 5.**

Public Health: **HB 130.**

Revenue and Taxation: **HB 126, HB 127, HB 140.**

Roads and Highways: **HB 133.**

Ways and Means: **HR 23, HR 24, HR 26, SR 6, SR 7.**

### Introduction of Bills and Resolutions

**HB 142**, by Representatives DeMarcus, McCowan, Harper, Hoe, Clark, Jones, Peace, Sartin, Hislope, Buky, Vanover, Wheeler, Johnson, Russell, Wright and Bicknell: AN ACT relating to state parks.

**HB 143**, by Representative Osborn: AN ACT relating to residence of voters.

**HB 144**, by Representatives Whitlock, Chapman, Russell, Ostertag, Overman, Tucker, Russell Reynolds and Secrest: AN ACT relating to medical assistance for certain needy persons, providing for optometric services.

**HB 145**, by Representatives Wheeler, Ball, DeMarcus, Jones,

Wright, Wallace, Dempsey, Hislope, Peace, Clark, Kessinger and Vanover: AN ACT relating to public assistance.

**HB 146**, by Representatives Wheeler, Harper, DeMarcus, Archie Brown, Floyd, Wright, Wallace, Vanover, Sartin, Bicknell, Russell, McIntyre, Johnson, Hoe, Buky and Jones: AN ACT relating to the pay of precinct election officers.

**HB 147**, by Representatives Wheeler, Ball, DeMarcus, Blythe, Jones, Wallace, Dempsey, Peace, Clark, Vanover and James E. Hunt: AN ACT relating to medical care programs for indigent persons.

**HB 148**, by Representative Lassiter: AN ACT relating to emergency motor vehicles and the regulation of lights.

**HB 149**, by Representative Isler: AN ACT relating to financial security for liability of owners and operators of motor vehicles.

**HB 150**, by Representative Isler: AN ACT relating to judgment arising out of the operation of motor vehicles.

**HB 151**, by Representative John Y. Brown: AN ACT relating to interim financing for building projects initiated or approved by the State Property and Buildings Commission.

**HB 152**, by Representative Smith: AN ACT relating to natural gas.

**HB 153**, by Representatives Ballenger, Warders, Stuart, Buky, Ball and Riddle: AN ACT providing for the exclusion of sales made to or by any political subdivision or school district from the Veterans Bonus Sales and Use Tax Law.

**HB 154**, by Representatives Riddle, Roberts, Brady, James E. Hunt, John D. Miller, Eicher, Wheeler, Hoe, Morgan, Straney and McBrayer: AN ACT relating to voter registration.

**HB 155**, by Representative Roberts: AN ACT relating to horse racing.

**HB 156**, by Representatives Murphy, Overman, Ostertag, Vanover, Bates and Blume: AN ACT providing a penalty for violation of KRS 336.130.

**HB 157**, by Representative Dempsey: AN ACT relating to revenue and taxation.

**HB 158**, by Representatives Stuart, Harper, Blythe, Eicher and Bourne: AN ACT relating to reimbursement to boards of education of costs in educating of dependent, neglected, delinquent or orphaned children from other districts.

**HB 159**, by Representatives Dempsey, McCowan, Peace, Clapp, and Maddox: AN ACT relating to education.

The Committee Chairmen called the following meetings on Wednesday, January 26, 1966:

| | | |
|---|---|---|
| Labor | Room 401 | 11:00 a.m. |
| Education | Room 307 | 11:00 a.m. |
| Appropriations | Room 402 | 10:00 a.m. |
| Kentucky Statutes # 2 | Room 402 | 11.30 a.m. |
| Higher Education | Room 403 | 11:30 a.m. |
| Compensation for Industrial Injuries | Room 400 | 1:30 p.m. |

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., Wednesday, January 26, 1966.

On the roll call the vote was yeas 28—Bates, Brady, John Y. Brown, Caldwell, Denham, Floyd, Harper, Hoe, Hopkins, Jones, Jordan, Majors, McNamara, Osborn, Ostertag, Peace, Peniston, Pile, Russell Reynolds, Riddle, Russell, Short, Smothers, Vanover, Warders, Wheeler, White, Wright. Nays 3—Ball, Blythe, Kessinger.

The motion to adjourn was adopted.

## WEDNESDAY, JANUARY 26, 1966
## NINETEENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend John L. Hunt of the South Frankfort Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Blythe, Martin, Smith and Tucker.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 25, 1966, be dispensed with and the same approved. Agreed.

### Senate Message

Announcing passage of **HB 2** and **SB 20.**

### Motions, Petitions, and Communications

Representative Lassiter moved that Representative Dempsey be appointed to the Committee on Labor and the Committee on Roads and Highways.

On the roll call the vote was yeas 78—Arnett, Ball, Ballenger, Barber, Bates, Bicknell, Billings, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clapp, Clark, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, Lassiter, Leeds, Maddox, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Osborn, Ostertag, Overman, Peace, Peniston, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Smothers, Stuart, Vanover, Wallace, Warders, Webster, Wells, Wheeler, White, Wright. Nays 1—Blume.

The motion was adopted.

**HR 37**, by Representative Hislope: A RESOLUTION relating to the War in Viet Nam.

WHEREAS, the cessation of air attacks on North Viet Nam, have brought no overtures of peace negotiations from Hanoi, have given the enemy ample time to supply, fortify and strengthen their arsenals of aggression to the extent of endangering the lives of American Soldiers in Viet Nam; and

WHEREAS, and during the peace gestures to the Hanoi Regime, large convoys of war supplies, were observed and unmolested, on the Northern section of the Ho Chi Minh Trail, and reconnaissance have proved that the enemy with great speed continue to construct and rebuild missile launching sites; and

WHEREAS, Haiphong Harbor has been treated as a privileged sanctuary, not bombed, not hindered, not molested, while ship loads of war supplies are unloaded daily and U. S. intelligence report over 8,000 anti-aircraft Missiles have been furnished the Hanoi Regime through the facilities of Haiphong Harbor facilities; and

WHEREAS, many men with a hope for tensions to ease, have tried to please, to placate, to negotiate, to co-exist, to accommodate, and to confer with the Hanoi Regime with no avail; and

WHEREAS, the North Viet Nam Government is a parcel and part of the international conspiracy to enslave and dominate the World; and

WHEREAS, the Communist only talk when it is to their favor, confer when it is to their benefit, negotiate when it is to their advantage, parley when they can win, and sign treaties on their own terms; and

WHEREAS, many military men espouse to the philosophy that in War "there is no substitute for victory" and in the absence of any response to peace negotiations, all out war should be waged against the enemy in Viet Nam, that all power stations Haiphong Harbor, the industrial complex of Hanoi, and the irrigation systems, should be destroyed; and

WHEREAS, it is known that the Communist are enemies

of God as well as enemies of man and recognize no might or power unless such power excels their own;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That this house go on record as endorsing any and all actions of the U. S. Government to safeguard the lives of the American Soldiers in Viet Nam and to bring that war to a successful military conclusion.

Representative Hislope moved the adoption of **HR 37.**

Representative Blume moved that **HR 37** be laid on the table.

On the roll call the vote was yeas 28—Allen, Arnett, Barber, Bates, Blume, Bondurant, Bourne, John Y. Brown, Chapman, Cox, Hale, Harris, Hislope, Hoffman, Howard P. Hunt, Jr., Irick, King, Lassiter, McBrayer, John D. Miller, Peniston, Pettit, Pile, Short, Siemens, Watkins, Webster, Young. Nays 37—Ball, Ballenger, Bicknell, Brady, Archie Brown, Buky, Caldwell, Clapp, Clark, DeMarcus, Dempsey, Floyd, Hoe, James E. Hunt, Jones, Kelly, Kessinger, McCowan, Morgan, Osborn, Overman, Peace, Riddle, Russell, Sartin, Secrest, Sheehan, Smothers, Straney, Stuart, Vanover, Wallace, Warders, Wells, Wheeler, White, Wright.

The motion that **HR 37** be laid on the table was rejected.

On the roll call the vote was yeas 35—Ballenger, Bicknell, Billings, Brady, Archie Brown, Buky, Caldwell, Chaudoin, Clark, DeMarcus, Eicher, Floyd, Hale, Hislope, Hoe, James E. Hunt, Jones, Keene, Kessinger, McCowan, Peace, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Straney, Stuart, Wallace, Warders, Wells, Wheeler, White, Wright. Nays 24—Allen, Barber, Bates, Blume, Bondurant, E. G. Brown, John Y. Brown, Chapman, Cox, Dempsey, Hopkins, Irick, Kelly, King, Lassiter, McBrayer, John D. Miller, Overman, Peniston, Pile, Roberts, Smothers, Watkins, Young.

**HR 37** was passed and the title agreed to.

Representative Hale moved that the vote by which **HR 37** was passed be reconsidered.

On the roll call the vote was yeas 31—Allen, Barber, Bates, Blume, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Chapman, Cox, Hale, Henry, Hoffman, Hopkins, Jordan, Kelly, Lassiter, Majors, John D. Miller, Murphy, Overman, Peniston, Pettit, Pile, Sartin, Short, Siemens, Smothers, Watkins, Webster, Young. Nays 43—Ball, Ballenger, Bicknell, Billings, Brady, Buky, Caldwell, Chaudoin, Clapp, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hinkle, Hislope, Hoe, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jones, Kessinger, King, Maddox, McCowan, McIntyre, Morgan, Peace, W. J. Reynolds, Jr., Riddle, Russell, Secrest, Sheehan, Straney, Stuart, Wallace, Warders, Wells, Wheeler, White, Wright.

The motion that the vote by which **HR 37** was passed be reconsidered was rejected.

Representative McCowan moved that the vote by which **HR 37** was passed be reconsidered and said motion be laid on the table. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 2** had been examined and found correctly enrolled. **HB 2** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

## Motions, Petitions, and Communications (Cont.)

**HR 36,** by Representative Bicknell: A JOINT RESOLUTION recommending that the United States Government designate the lake and dam to be constructed in Owsley County as "Lake Daniel Boone."

WHEREAS, the area in Owsley County in which this dam and lake are to be located abounds with the history and lore of Daniel Boone; and

WHEREAS, Daniel Boone has surveyed and owned property where this dam and lake will be located and some of deeds of record pertaining to Owsley County show the name of Daniel Boone as grantor on these deeds; and

WHEREAS, Daniel Boone's name is carved on a large rock in the area to be submerged in the lake that will be created by the dam; and

WHEREAS, Boonesborough State Park and Station Camp Creek are a part of the opportunity to promote tourism in Kentucky around the legends and lore of Daniel Boone; and

WHEREAS, the name of Daniel Boone, an outstanding name in the development, settlement and history of this great nation, should be memorialized;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the General Assembly of the Commonwealth of Kentucky hereby petitions the United States Government, its duly designated authorities and agencies, to designate the dam and lake to be constructed in Owsley County as "Lake Daniel Boone."

Section 2. That the Clerk forward copies of this resolution to the Honorable Tim Lee Carter, House of Representatives, Washington, D. C.; The Honorable Thruston B. Morton, United States Senate, Washington, D.C.; and the Honorable John Sherman Cooper, United States Senate, Washington, D. C.

Representative Bicknell moved the adoption of **HR 36.** Agreed.

**Committee Appointments**

The Committee on Committees announced the following Committee appointments:

Represenative Overman: Banks and Banking

Representative Overman: County Government

Representative Dempsy: Labor

Representative Overman: Intoxicating Liquors

Representative Dempsey: Roads and Highways

## Report of Committees

The Committee on Industrial Injuries reported **HB 55** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 55,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 342.005 is amended to read:

(1) This chapter shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States; provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employes for a traumatic personal injury sustained by the employe by accident, and for disability resulting from occupational diseases as defined in this chapter, arising out of and in the course of his employment, or for death resulting from such accidental injury or occupational disease *and as provided in KRS 342.111;* provided, however, that "traumatic personal injury by accident" as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident nor shall it include the results of a pre-existing disease, whether previously disabling or not, but shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air," and also shall include injuries or death due to the inhalation of any kind of gas, and shall also include occupational disease as defined in this chapter.

(2) The board shall apportion the aggregate extent and duration of disability among the contributing causes including, but not limited to, the following:

(a) "Traumatic injury by accident";

(b) Pre-existing disease previously disabling;

(c) Pre-existing disease not previously disabling but aroused into disabling reality by the injury or occupational disease.

(3) The board shall, in every case, determine whether the provisions of KRS 342.120 are applicable, and if so the board shall proceed in accordance with the law and regulations established for processing claims involving the Special Fund.

(4) Any employers and employes who are, by the provisions of this section, excepted from the provisions of this chapter, including employers having less than three employes, may subject themselves thereto by joint voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

(5) All employes of departments, administrative bodies, and agencies of the state shall be covered by the provisions of this chapter. The Commissioner of Finance shall exercise the elections necessary to extend coverage to those state employes for which coverage is not otherwise required by this chapter.

Section 2. KRS 342.111 is amended to read:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die *from any cause, whether or not related to the injury or occupational disease,* [as a result of such injury or occupational disease] prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within one year after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require, a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier

against whom such award was made; and shall fix a time and place for a hearing, of which notice shall be given, to determine the dependency of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum provided in KRS 342.070.

The Committee on Appropriations reported **HB 97** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 97**, AN ACT relating to revolving, trust and agency fund accounts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 45.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Revolving fund accounts may be established by appropriations for financing activities self-supporting in whole or in part. The operating receipts of such activities shall be deposited in the State Treasury to the credit of the revolving fund so established.

(2) Trust and agency fund accounts may be established to receive and disburse contributions, gifts, donations, devises and Federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions and other miscellaneous receipts of such boards, commissions, departments, agencies and institutions.

(3) The head of the budget unit or other responsible fiscal agent of the unit or division for which a revolving, trust or agency fund has been established shall deposit with the State Treasury all receipts of the character above described, and the Department of Finance and State Treasury shall credit all such receipts to the budget unit or division thereof as directed in writing by the head of the budget unit or division thereof, and shall keep a separate account for each fund so established.

(4) The amounts credited to any revolving, trust or agency fund so provided, together with any amount appropriated therefor, may be expended for the purposes of the fund without further specific appropriation. All money received for the fund, except direct appropriations from the state, shall at all times be reserved in the State Treasury available for disbursement for the purpose of the fund in the manner provided by law and shall n o t be diverted to any other purpose. Revolving funds shall be subject to withdrawal from the State Treasury by the head of each budget unit or division thereof when actually needed, on requisition to the Department of Finance in the same manner as other state funds are withdrawn. *Funds received from the federal government in the form of grants or otherwise may be expended for the purpose intended even though received in a fiscal year other than that in which the related original encumbrance or expenditure was incurred.*

The Committee on Education reported **HB 9** with Committee amendment attached and **HB 104** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 9, AN ACT** relating to education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 157.070 of 1964 Supplement to KRS is amended to read:

(1) The minimum school term [for the 1963-64 school term shall be one hundred and eighty-four days. Thereafter the minimum school term] shall be one hundred eighty-five days. The Superintendent of Public Instruction, upon the approval of

the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

(2) The board of education of any school district may use no more than four days of the minimum school term for holidays, three days for in-service training and professional work, three days for attendance at state and district meetings of professional education [al] associations, *a total of five days for (1) national or state disaster, calamity, or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky, and (2) local disaster, calamity, or mourning when so designated by the district board of education and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction,* and shall use one day of excused absence for attendance at the Kentucky State Fair for students applying for excused absence for this purpose. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall adopt regulations governing the use of school days.

Committee amendment to **HB 9** is as follows:

Amend printed copy of House Bill 9 on page 1, line 1, by:

striking out the figures "157.070" and inserting in lieu thereof the figures "158.070"

and further amend line 1 on page 1 by inserting "Section 1" in front of the word "Section" at the beginning of the paragraph

and further amend on page 2, line 17, "Section 2. Whereas, boards of education are now prohibited from using any days of the minimum school term for purposes of disaster, calamity, or mourning, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

including the following representatives as sponsors of this bill: John E. White, Mrs. Nell Guy McNamara, Brooks Hinkle,

Gether Irick, Paul Allen, Sherman R. Arnett, Don Ball, Raymond Barber, Wallace Bartley, C. H. Bicknell, Archie Brown, James E. Bruce, Thomas Chapman, Buford Clark, Bill Criscillis, W. H. DeMarcus, Albert Dempsey, Bob Henry Eicher, Siler Floyd, John Hardin, III, Kenneth Harper, John Stanley Hoffman, Richard Hopkins, James E. Hunt, J. O. Johnson, Charles J. Jones, Stuart Kelly, Phillip E. King, Charles Lassiter, Damon Majors, Ben Martin, W. Terry McBrayer, Dexter McCowan, Alex McIntyre, Jr., Henry Maddox, John D. Miller, Will K. Peace, C. H. Pile, W. J. Reynolds, Jr., Dan J. Roberts, Allen E. Russell, George R. Siemens, Martin Straney, A. E. Tucker, Jesse P. Warders, Sam Watkins, Franklin Webster, Charles Wheeler.

**HB 104,** AN ACT relating to the Teachers' Retirement System of the State of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Retirement system" means the arrangement provided for in KRS 161.230 to 161.710 for payment of allowances to teachers.

(2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of service.

(3) "Disability allowance" means the amount annually payable to a member retired by reason of disability.

(4) "Teacher" means:

(a) Any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment;

(b) All members of the instructional and administrative staffs of Eastern Kentucky State College, Kentucky State College, Morehead State College, Murray State College, Western

Kentucky State College, Kentucky School for the Deaf, Kentucky School for the Blind, and the State and area vocational schools who are regularly employed by a board of education, board of regents or similar body;

(c) The Superintendent of Public Instruction and the division heads and other professional staff members of the State Department of Education;

(d) Any member of a local retirement system who became a member of the state teachers' retirement system according to the provisions of Acts, 1938, 1st ex. s., c. 1, paragraph 49;

(e) Such members of the administrative staff of the teachers' retirement system of the State of Kentucky as the board of trustees may designate by regulation; and

(f) All members of the instructional administrative staffs of any existing or later establshed public junior college not under control of the Board of Trustees of the University of Kentucky.

(5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by Acts 1938, 1st ex. s., c. 1, on the date of the inauguration of the system or within one year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of such system until he, with the membership of the local retirement system, became a member of the state teachers' retirement system, or who becomes a member under the provisions of KRS 161.470 (4).

(6) "New teacher" means any teacher not a present teacher.

(7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty years' prior service shall be allowed or credited to any teacher.

(8) "Subsequent service" means the number of years during which the teacher is a member of the teachers' retirement system after July 1, 1941.

(9) "Annual salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years, if less than five prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars. Any salary subsequent to July 1, 1941, on which the member has made contribution shall be the actual arithmetic average salary for the five consecutive years, or for as many consecutive years if less than five, which will provide the highest average.

(10) "Annual compensation" means the contractual salary and additions thereto received by a member as compensation for services as a teacher in the public schools of Kentucky during a fiscal year before any deductions.

(11) "Age of retirement" means the age attained as of *July 1* [at the last birthday of the member] preceding the date of retirement.

(12) "Age of entrance" means the age attained at the last birthday of any member at the time of the establishment of the retirement system, if the member was a teacher subject to membership in the system at that time. Otherwise it means the age attained at the last birthday of any member at the time he first becomes a member of the retirement system. Any birthday occurring on February 29 shall be considered as occurring on February 28.

(13) "Regular interest" means interest at three percent per annum.

(14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund for retirement annuity.

(15) "Annuitant" means a person who receives a retirement allowance or a disability allowance.

(16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky.

(17) "Fiscal year" means the twelve-month period from July 1 to June 30.

(18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section.

(19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half of the support from the member for maintenance, including board, lodging, medical care and like costs.

(20) "Last earned annual compensation" means the gross compensation before any deductions earned by the member for the last full payroll period, multiplied by the number of payroll periods in the member's contract year.

Section 2. Section 161.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of trustees shall be the trustee of the funds of the retirement system and shall have full power and responsibility for the purchase, sale, exchange, transfer or other disposition of the investments and moneys of the retirement system. The board may appoint an investment committee consisting of the executive secretary and two trustees to act for the board in all matters of investment, subject to the approval of the board of trustees. The board of trustees in keeping with their responsibilities as trustees and wherever feasible shall be given priority to the investment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth. No investment shall be made of the funds except in the following:

(a) Bonds, notes and other obligations of or guaranteed by the United States, or those for which the credit of the United States is pledged for the payment of the principal and interest thereof, and any bonds, notes, debentures, or any other obligations or securties issued or guaranteed by any federal government agency, presently or in the future established by an Act of Congress, and as amended or supplemented from time to time;

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments and agencies, including revenue bonds;

(c) Obligations of any city of the first, second, third, fourth,

or fifth classes of the Commonwealth of Kentucky, or county containing such city, for the payment of principal and interest on which the full faith and credit of the issuing body is pledged;

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100;

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 to and including KRS 162.300, and any act or acts passed in the 1960 session of the General Assembly providing for the issuance of school building revenue bonds, provided the issuance of such bonds is approved by the State Board of Education;

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380;

(g) Public utility revenue bonds issued by any city of the first, second, third, fourth, or fifth classes, or by a county containing such a city, or by a special taxing district located within such city or county in the Commonwealth, provided: 1. the net income from such public utility property available for the payment of such securities, for the five fiscal years next preceding any such investment, shall have averaged at least 1 1/10 times all debt service requirements for principal, interest and sinking fund of all revenue securities payable only out of the revenues from such property during each of such fiscal years, and 2. the issuer of the securities covenants and is obligated to maintain rates to produce revenues, or will receive contract payments, either or both of which will be sufficient to meet costs of operation, taxes and all debt service requirements and such obligation or contract is legally enforceable;

(h) Obligations, consisting of notes, bonds, debentures, equipment trust certificates, *or conditional sales agreements on Class I Railroads as defined by the Interstate Commerce Commission* issued under an indenture, which are the direct obligation or in the case of equipment trust certificates *and conditional sales agreements,* are secured by direct obligation, of a corporation organized under the laws of the United States or any state in the United States or the District of Columbia, when such bonds

are rated at time of purchase within the three highest classifications established by one or more major rating services;

(i) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the laws of this state, or of the United States, when such deposits are interest bearing at a rate not lower than two percent per annum, and when such deposits are fully secured by direct obligations of the United States Government or of the Commonwealth of Kentucky, placed in the hands of the state treasurer and approved by the board of trustees;

(j) Stocks, preferred or common, issued or guaranteed by a corporation created or existing under the laws of the United States or any state thereof, subject to the statutory restrictions governing investments by insurance companies incorporated in Kentucky;

(k) Mutual-type funds established and controlled by any organization which may be formed by the Kentucky Teachers' Retirement System and other state retirement systems of Kentucky, and other southern states for the mutual investment of funds in Kentucky or the southern regional area;

(l) Productive real estate;

(m) Industrial revenue bonds issued under authority of KRS 103.200 to 103.280; provided, however, the lease for the building between the city and the leasing corporation is for a period equal to or greater than the period for which the bonds are issued and the rental payments are sufficient to amortize all the bonds issued, and further provided that:

1. The Common stock of the leasing corporation shall be listed on either the New York Stock Exchange or the American Stock Exchange.

2. In each of the last three reporting years prior to the issuance of the bonds the income before taxes of the leasing corporation must have been equal to at least twice the maximum lease requirements under the lease agreement.

3. The current assets of the leasing corporation at the end of each of the three last reporting years prior to the issuance of the bonds must have been at least 150 percent of the current liabilities at those given periods.

4. The net worth of the leasing corporation at the end of the last reporting period must be at least twice the amount of the proposed bond issue under the lease agreement.

5. The net working capital of the leasing corporation at the end of the most recent reporting year must have been at least fifteen million dollars.

(n) Obligations of the Kentucky Industrial Development Authority.

(2) (a) Not more than twenty-five percent of any one issue may be purchased by the board of trustees as an investment, and not more than five percent of the invested funds of the retirement system may be invested in the obligations of any issuer except in the case of obligations of the United States Government; provided that not more than ten percent of the invested funds may be invested in an issue of the Commonwealth of Kentucky or its departments or agencies as defined in this subsection. For the purpose of this subsection revenue bond obligations of the Commonwealth of Kentucky or its departments or agencies shall not be deemed to be obligations of the same obligor if the revenues pledged are derived from separate projects. No investment may be made in the obligation of any issuer which has been in default of any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) No more than sixty percent of the assets of the retirement system may be invested in the foregoing classification subsection (1) (h); no more than twenty percent of said assets may be invested in the foregoing classification subsection (1) (b); no more than twenty-five percent of said assets may be invested in any one of the foregoing classificatons subsections (1) (c), (1) (d), (1) (e), (1) (f) and (1) (g); and no more than ten percent of said assets may be invested in any one of the foregoing classifications subsections (1) (i), (1) (j), and (1) (k); and no more than six percent of said assets may be invested in the foregoing classifications subsections (1) (l) and (1) (m).

(3) No investment or disbursement of funds shall be made unless authorized by resolution adopted by the board of trustees.

Section 3. Section 161.480 of the Kentucky Revised Statutes is amended to read as follows:

Each person, upon becoming a member of the retirement system shall file a detailed statement as required by the board of trustees and shall designate a beneficiary to receive any benefits accruing from the death of the member. This designation shall remain in full force and effect until changed by the member except that subsequent marriage by the member shall void the designation and the spouse of the member at death shall be considered as beneficiary unless the member subsequent to marriage designates another beneficiary. *The provisions of this section shall be retroactive.*

Section 4. Section 161.515 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the purposes of this section, "out-of-state service" shall mean service in any state in a comparable position, which would be covered if in Kentucky.

(2) (a) After a teacher has been a member of the retirement system for at least one full scholastic year, he may present for credit, service rendered out-of-state subsequent to July 1, 1941, not to exceed eight such years actually taught as a certified or licensed teacher, provided such member pays to the retirement system the amount he would have paid had he been teaching in Kentucky and in addition thereto three percent compound interest on each annual contribution from the last day of the scholastic year in which the service was rendered to date of payment to the retirement system. For each year for which the retirement system shall accept the contribution and interest, one year of subsequent service credit shall be given. Not more than eight years may be contributed for under this section. *No credit shall be granted for service which is being or will be used in qualifying for annuity benefit payments from another public retirement system.*

(b) For each such year so paid for and for any additional years for which contributions have been paid currently, not to exceed eight years in all, any member of the retirement system may offer bona fide out-of-state service for credits as prior serv-

ice but not a greater number of years than the number for which contributions are paid, and in no case more than eight years of service prior to July 1, 1941. If out-of-state service was rendered in 1940-41, then contributions must be made for this year in the same manner as described under paragraph (a) of this subsection. *No credit shall be granted for service which is being or will be used in qualifying for annuity benefit payments from another public retirement system.* All such service, both subsequent and prior, shall be certified to by the member and verified according to KRS 161.480 and 161.490.

Section 5. Section 161.520 of the Kentucky Revised Statutes is amended to read as follows:

Upon death of a member who has had subsequent service credit for at least three years and who was in contributing service during the fiscal year immediately prior to his death or prior to the beginning of his last illness, or upon the death of a teacher retired for disability, the board of trustees shall pay to the estate or assigns of the deceased teacher a refund of his accumulated contributions; provided, however, the survivors of the deceased teacher, in the following named order, may elect to receive in lieu of a refund of the accumulated contributions a survivors benefit, payable as follows:

(1) Where the survivor is a widow, or a dependent widower, and the survivor's marriage to the deceased teacher took place at least one year prior to the teacher's death, the benefit shall be *one hundred* [eighty] dollars per month. [or one-half of the retirement allowance that the teacher would have received had he been eligible and retired at the date of his death or was receiving as a disabled teacher at the date of death, whichever is larger.]

(2) Where the survivor is an unmarried child under age eighteen, the benefit shall be *one hundred* [eighty] dollars per month in the case of one such child, one hundred and *sixty* [twenty-five] dollars per month in the case of two such children, one hundred and *eighty-five* [fifty] dollars per month in the case of three such children, and one hundred and *ninety-five* [sixty] dollars per month in the case of four or more such children.

(3) Where the survivor is a child age eighteen or older whose mental or physical condition is sufficient to cause his dependency on the deceased member at the time of the member's death, the benefit shall be one hundred *and twenty-five* dollars per month, payable for the life of such child or until such time as the mental or physical condition creating the dependency no longer exists. Benefits under this section and subsection (1) shall apply to legally adopted survivors provided the proceedings for the adoption were initiated at least one year prior to the death of the member. Benefits under ths subsection and subsection (1) shall apply notwithstanding an eligible widow or dependent widower survives the deceased member.

(4) Where the sole eligible survivors are dependent parents aged sixty-five or over, the benefit shall be *one hundred* [eighty] dollars per month for one parent or one hundred and *forty* [twenty] dollars per month for two parents. Dependency of a parent shall be established as of the date of the death of the member.

(5) Where the sole eligible survivor is a dependent brother or sister, the beneft shall be *one hundred* [eighty] dollars per month. In order to qualify the brother or sister must have been a resident of the deceased member's household for at least one full year prior to the member's death or must have been receiving care in a hospital, nursing home or other institution at the member's expense for a like period.

(6) The benefit to a child *as defined in paragraph (2) of this section* shall terminate upon the attainment of age eighteen or upon marriage. The benefit to a widow, dependent widower, dependent parent or dependent brother or sister *or dependent child age eighteen or older* shall terminate upon marriage, *or upon termination of the condition creating the dependency.* The benefit shall not be paid during the time the survivor, other than a child, is receiving an annuity, pension or allowance in excess of *one hundred* [eighty] dollars per month from a retirement or pension system in the state of Kentucky financed in whole or part by public contributions, excluding Old Age and Survivors Insurance, or has income from all sources of $2,400 per year, not including any benefit payable under the terms

of KRS 161.220 to 161.710. If income from all sources exceeds $2,400 per year, one dollar shall be subtracted from the benefit for each dollar of total income exceeding $2,400 per year.

(7) The board of trustees shall be the sole judge of eligibility or dependency of any beneficiary, and may require formal application or information relating thereto, including proof of annual income satisfactory to the board. The board of trustees may subpoena records and individuals whenever it deems such action necessary.

(8) No payments of benefits shall be made unless the board of trustees shall have authorized such payments. The board shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions and in every case the decision of the board of trustees shall be final as to eligibility, dependency, or disability, and the amounts of benefit payable.

Section 6. Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) The retirement allowance of a member retiring [or retired] for service *July 1, 1966, or thereafter* whose age at retirement is *sixty* [sixty-five] years shall be *determined by multiplying the prior service years by forty dollars* [one percent of his average annual salary for prior service for each year of prior service credit] plus *two* [one and three-fourths] percent of his annual salary *in Kentucky* for the years after July 1, 1941. The retirement allowance of a member whose age at retirement is less than *sixty* [sixty-five] shall be reduced *at the rate of five percent for each year that the member is less than sixty.* [to that amount which the value of the retirement allowance computed as provided in this section at age sixty-five will purchase as of the actual age of retirement of the member according to the actuarial tables in use by the system. The retirement allowance of a member whose age at retirement is greater than sixty-five shall be increased in a like manner. Retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age sixty-five.] *Actuarial factors for use by the retirement system for all purposes* [Said factors] shall be determined by the actuary of the retirement

system and approved by the board of trustees. [In determining the amount of retirement allowance the actuarial values for male lives from the actuarial tables in use by the system shall be applied to all members both male and female.]

*(2) The retirement allowance of a member whose age as of July 1, 1966, is sixty-five or older shall be the larger as computed by the two methods hereinafter described: (1) applying the procedures as set forth in paragraph (1) of this section or; (2) one percent of his average annual salary for prior service for each year of prior service credit plus one and three-fourths percent of his annual salary for the years after July 1, 1941, increased in accordance with the actuarial equivalents in use by the teachers' retirement system as of July 1, 1965.*

*(3) The retirement allowance of all teachers retired prior to July 1, 1964, shall be increased by: (1) the amount of ten percent or; (2) multiplying the total number of years of service by forty-five dollars whichever is greater. Effective July 1, 1967, and annually on July 1 thereafter the annual retirement allowance of each retired teacher shall be increased in the amount of one percent of the retirement allowance in effect on July 1, 1967, or the date of retirement whichever occurs later.*

*(4)* [(2)] For any member retiring on or after July 1, 1955, no retirement allowance shall be greater than three-fourths of the annual salary unless such allowance shall result from the application of a statutory minimum.

*(5)* [(3)] Any teacher qualifying for retirement shall be entitled to receive an annual allowance amounting to not less than forty-*five* dollars multiplied by the service credit years of the teacher.

*(6)* [(4)] The minimum provided in this section shall apply in the case of teachers retired or retiring under an option in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries.

Section 7. Section 161.661 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member who has completed ten or more years

of accredited service in the public schools, or other covered positions, of the state of Kentucky, one full year of which immediately preceded retirement, may retire for disability and shall be granted a disability allowance. *The disability must have occurred subsequent to the most recent period of employment in a position covered by the teachers' retirement system and subsequent to the completion of ten years of teaching service in Kentucky.* The annual allowance shall be equal to one-half of the last earned annual compensation.

(2) No member who has reached the age of sixty years and who is otherwise qualified for retirement may retire by reason of disability.

(3) Members shall earn one year of entitlement to disability retirement for each four years of service in a covered position but any member meeting the service requirement for disability retirement shall be credited with no less than five years of such eligibility.

(4) A member retired by reason of disability shall continue to earn service credit at the rate of one year for each year so retired.

(5) Any member retired by reason of disability and remaining disabled at the expiration of the eligibility period shall be entitled to retire for service. The retirement allowance shall be calculated as set forth in KRS 161.620 except that those persons less than sixty years of age shall be considered as sixty.

(6) In order to qualify for retirement by reason of disability a teacher must suffer from a physical or mental condition of such a nature as to render him incapable of being gainfully employed as a teacher. Such incapability must be revealed by a competent examination by a licensed physician or physicians and must be approved by the medical review board.

(7) A member retired by reason of disability shall be required to undergo periodic examinations at the discretion of the board of trustees to determine whether the disability allowance shall be continued. When examination and recommendation of the medical review board indicates the disability no longer exists, the allowance shall be discontinued.

(8) No payment of a disability benefit shall be made until ninety days after the application for disability retirement has been filed.

(9) No person who receives a disability allowance may serve as a teacher either within or without the state of Kentucky. So doing shall constitute a misdemeanor. The recipient of a disability allowance who engages in any gainful occupation other than teaching must make a report of the duties involved, compensation received and any other pertinent information required by the board of trustees. If the income from other employment plus the disability benefit exceed seventy-five percent of the last earned annual compensation, the benefit shall be reduced to an amount which with earned income will not exceed seventy-five percent of the last earned annual compensation. In no case shall the benefit be reduced to less than fifty dollars per month.

(10) The board of trustees shall designate a medical review board consisting of three licensed physicians and may designate physicians in various areas of the Commonwealth to conduct examinations as needed. The medical review board shall pass upon all applications for disability retirement and upon all statements, certifications, and examinations submitted in connection with such applications. The disposition of each case shall be recommended by the medical review board in writing to the board of trustees. Members of the medical review board shall follow such rules and regulations regarding procedures as the board of trustees may enact and shall be paid reasonable fees and expenses as authorized by the board of trustees in compliance with the provisions of KRS 161.330 and 161.340. The board of trustees may secure such additional medical service and information as it deems necessary.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

Each school district or institution employing members of the teachers' retirement system in positions established under educational acts adopted by the Federal Congress shall contribute to the teachers' retirement system under regulations established by the board of trustees, an amount equal to that contributed by the members employed under the several federal education programs.

Section 9. The provisions of this Act shall become effective July 1, 1966.

## Orders of the Day

Representative McBrayer moved that **HB 59** be taken from Orders of the Day and recommitted to the Committee on Kentucky Statutes # 1. Agreed.

Representative Hoffman moved that **HB 61** be taken from Orders of the Day and recommitted to the Committee on Kentucky Statutes # 1. Agreed.

Representative J. D. Miller moved that **HB 62** be taken from Orders of the Day and recommitted to the Committee on Kentucky Statutes # 1. Agreed

Representative J. D. Miller moved that **HB 64** be taken from Orders of the Day and recommitted to the Committee on Kentucky Statutes # 1. Agreed.

Representative McBrayer moved that **HB 66** be taken from Orders of the Day and recommitted to the Committee on Kentucky Statutes # 1. Agreed.

Representative Hardin moved that the remaining bills in Orders of the Day be recommitted to the Committee on Kentucky Statues # 1, namely: **HB 58, HB 60, HB 63, HB 67** and **HB 68.** Agreed.

## Introduction of Bills and Resolutions

**HB 160,** by Representative Short: AN ACT changing the classification of the City of Lynch in Harlan County.

**HB 161,** by Representatives Webster, DeMarcus and White: AN ACT relating to tobacco.

**HB 162,** by Representatives Bates, Keene and Morgan: AN ACT relating to motor vehicle lights.

**HB 163,** by Representatives Bates, Keene and Morgan: AN ACT relating to group life insurance for county employes.

**HB 164,** by Representatives Pettit and Harper: AN ACT relating to testing infants for inborn errors of metabolism.

**HB 165,** by Representative Pettit: AN ACT relating to medicolegal services.

**HB 166,** by Representatives Hardin, John D. Miller, Morgan, Hoffman, Irick, Allen, Smothers, Ball, Warders, Hinkle, Webster, Blume and Bondurant. AN ACT relating to capital punishment.

**HB 167,** by Representatives Clapp and Hislope: AN ACT relating to budget and financial administration.

**HB 168,** by Representative Dempsey: AN ACT relating to voting machines.

**HB 169,** by Representative Dempsey: AN ACT relating to state police officers.

**HB 170,** by Representatives Short, Caldwell and Leeds: AN ACT relating to the recording of instruments.

**HB 171,** by Representatives Bruce, Pile, Hinkle and McNamara: AN ACT relating to the acquisition of easements in land by Rural Electric Telephone Cooperative Corporations.

**HB 172,** by Representatives Murphy, Ostertag, Overman, Jones, King, Harper, Stuart, Blume, Sheehan, Chaudoin and Isler: AN ACT relating to county employees.

**HR 34,** by Representatives Short and DeMarcus: A CONCURRENT RESOLUTION requesting the Department of Highways to place white lines along the outer edge of certain highways.

**HR 35,** by Representatives Russell, Harper, Buky, Kessinger, Wright, DeMarcus, Short, Hoe, Hislope, Riddle, Jones, Wheeler, Caldwell and Vanover: A JOINT RESOLUTION authorizing the establishment of a Commission on the Organization of the Executive Branch of the Commonwealth of Kentucky.

**HR 38,** by Representatives Stuart, James E. Hunt, Chapman, Pettit, Eicher, Hoe, Tucker, Jones, Clark, Kessinger, C. R. Miller, Hale and Siemens: A CONCURRENT RESOLUTION registering opposition to the imposition of tolls or user charges, either

directly or indirectly, upon the enjoyment of our inland waterways as a free passageway for commerce.

The Committee Chairmen called the following meetings:

Labor—Room 401. On adjournment.

Revenue and Taxation—Room 402. On adjournment.

Criminal Law—Room 307. On adjournment.

Representative John Y. Brown moved that the House adjourn until 10:00 a.m., Thursday, January 27, 1966.

On the roll call the vote was yeas 48—Arnett, Barber, Bicknell, Blume, Bondurant, Brady, Bruce, Buky, Caldwell, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Floyd, Hale, Hardin, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Jones, Keene, Maddox, Majors, McBrayer, McNamara, John D. Miller, Osborn, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Riddle, Russell, Sartin, Short, Stuart, Vanover, Wallace, Warders, Watkins, White. Nays 2—Dempsey, Harper.

The motion to adjourn was adopted.

## THURSDAY, JANUARY 27, 1966
## TWENTIETH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend John L. Hunt of the South Frankfort Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Bartley, Bondurant, Archie Brown, Jordan, Russell Reynolds, Sheehan and Smith.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 26, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

Representative Peniston moved that the House recess for fifteen minutes for Democratic caucus. Representative Ball announced Republican caucus.

At the appointed hour, Representative Carroll assumed the Chair and called the House to Order.

### Senate Message

Announcing passage of **HR 4.**

### Motion, Petitions, and Communications (Cont.)

**HR 40,** by Representative Hoffman: A RESOLUTION congratulating Sam Ball of Henderson County, Kentucky.

WHEREAS, Sam Ball of Henderson County has achieved prominence as an outstanding lineman for the University of Kentucky Wildcats; and

WHEREAS, he has been selected as a consensus All American tackle and was selected by seven national organizations and publications to their All American Teams; and

WHEREAS, Sam Ball's achievements reflect credit upon himself, his family, and the citizens of his community; and

WHEREAS, Saturday, January 29, 1966 has been set aside in Henderson County as "Sam Ball Day" to honor this outstanding young athlete;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That House of Representatives of the General Assembly of the Commonwealth of Kentucky hereby extends its heartiest congratulations to Sam Ball.

Section 2. That the Chief Clerk of the House of Representatives mail a copy of this resolution to Sam Ball of Henderson County, Kentucky.

Representative Hoffman moved the adoption of **HR 40.** Agreed.

**HR 41,** by Representative Johnson: A RESOLUTION relating to Teacher Protest Day.

Representative Johnson moved the adoption of **HR 41.**

Representative John Y. Brown moved that **HR 41** be referred to the Committee on Committees.

On the roll call the vote was yeas 43--Allen, Arnett, Barber, Bates, Blume, Bourne, Edward G. Brown, John Y. Brown, Bruce, Chapman, Chaudoin, Cox, Denham, Hale, Hardin, Henry, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Keene, Kelly, King, Lassiter, Leeds, Maddox, McBrayer, McNamara, Clarence R. Miller, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Roberts, Siemens, Smothers, Tucker, Watkins, Webster, Young. Nays 32--Ball, Ballenger, Bicknell, Brady, Buky, Caldwell, Clark, Criscillis, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, Peace, Riddle, Russell, Sartin, Secrest, Short, Vanover, Wallace, Warders, Wheeler, White, Wright.

The motion that **HR 41** be referred to the Committee on Committees was adopted.

**HR 39,** by Representatives McNamara and Hinkle: A RESOLUTION calling for the suppression of obscene material.

WHEREAS, while the freedoms of speech and the press are sacred in a true democracy there are certain limitations and restrictions which must be placed on the producers and disseminators of obscene books, pictures and movies; and

WHEREAS, these persons dealing in obscene materials especially prey on the young people of this Nation and are completely unconscionable in their efforts to warp the minds of our youth while they become wealthy from the sale of their obscenities; and

WHEREAS, while standards should be set and enforced as to what constitutes obscenity it is the opinion of this House that stronger penalties should be meted out to those who produce and disseminate these obscene materials,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives go on record as favoring a stronger statute for the suppression of obscene material and those who produce and distribute such material.

Representative McNamara moved the adoption of **HR 39.** Agreed.

Representative McNamara requested that this Resolution be dedicated to the young people present in the gallery and all youth of the Commonwealth.

## Report on Enrolled Bills

The Committee on Enrollment reported **HR 4** had been examined and found correctly enrolled. **HR 4** read at length, compared, and signed in open session by the Speaker Pro Tem. Ordered delivered to the Senate.

**HB 2** and **HR 4** delivered, signed by the President. Ordered delivered to the Governor.

Representative John Y. Brown moved that when the House adjourns on this date that it do so in memory of Franklin D. Roosevelt, whose birthday is Monday, January 31. Agreed.

## Recess

Representative John Y. Brown moved that the House recess until 1:00 p.m. for the signing of **HB 2.** Agreed.

At the appointed hour, Speaker McCallum resumed the Chair and called the House to order.

## Senate Message

Announcing passage of **HB 36.**

## Report of Committees

The Committee on Revenue and Taxation reported **HB 140** and **HB 109** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 140,** AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 132.130 is amended to read:

*(1) Effective January 1, 1967, every owner, proprietor, or custodian of a bonded warehouse or of premises under the control and supervision of the United States Internal Revenue Service, in which distilled spirits are stored shall between January 1 and February 1 of each year file with the Department of Revenue a report sworn to by him showing the quantity and kind of distilled spirits in the bonded warehouse or premises as of January 1 of that year; the quantity and kind of spirits on which the federal tax has been paid or is due; what distilled spirits have been removed from the bonded warehouse or premises from transfer in bond out of this state during the preceding twelve months; the county, city, and taxing district in which such distilled spirits were certified for taxation; the fair cash value of*

*the distilled spirits estimated at a price it would bring at a fair voluntary sale; and such other facts pertaining to the distilled spirits as the department may require.*

*(2) On January 1, May 1, and September 1, after the federal tax has been paid or becomes due, or after any of the distilled spirits are removed from the bonded warehouse or premises for transfer in bond out of this state, every owner, proprietor, or custodian of a bonded warehouse or premises in which distilled spirits are stored upon which taxes have accrued on assessments prior to January 1, 1967, shall file with the Department of Revenue and the clerk of the county court, in which county the distilled spirits were at the time of the assessment, a statement, sworn to by him, showing the quantity of the distilled spirits on which the federal tax has been paid or is due; what distilled spirits have been removed from the bonded warehouse or premises or transferred in bond out of this state during the preceding four months; the years in which such distilled spirits were assessed for taxation; and the county, city, or taxing district in which the distilled spirits were stored at the time of the assessment. At the same time, all taxes and interest on such distilled spirits due the state, county, or other taxing district shall be paid to the officers entitled to receive them. The report required by this section shall be made whether or not any distilled spirits are stored in the bonded warehouse or premises at the time the report is due.*

[Every owner or proprietor of a distillery bonded warehouse in which distilled spirits are stored shall, between September 1 and October 1 of the year 1949, and between January 1 and February 1 of the year 1951, and each year thereafter, file with the Department of Revenue a written report, sworn to by the person making it. If the owner or proprietor of the warehouse is a corporation, the report shall be made and sworn to by its principal officer or manager in charge. The report shall show the quantity and kind of spirits in the warehouse on September 1 for the year 1949, and on January 1 for the year 1951 and on January 1 for each year thereafter; the dates when made; the county, city or taxing district in which the warehouse is situated; whether or not the Federal tax has been paid thereon, and if not, the date of expiration of the bonded period; the fair cash

value of the spirits estimated at the price it would bring at a fair voluntary sale; and such other facts pertaining to the spirits as the department may require.]

Section 2. KRS 132.140 is amended to read:

(1) [The reports required by KRS 132.130 shall be submitted to the department, and] *The* [the] Department *of Revenue* shall fix the value of the distilled spirits for the purpose of taxation, assess the same at its fair cash value, estimated at the price it would bring at a fair voluntary sale, and keep a record of its valuations and assessments [in a book provided for that purpose]. [The record shall be evidence in all courts of the proceedings of the department.] The department shall immediately notify the owner or proprietor of the *bonded* warehouse *or premises* of the amount fixed.

(2) If any owner, proprietor, or custodian of a [distillery] bonded warehouse *or premises* fails to make the report required by KRS 132.130, the department shall ascertain the necessary facts required to be reported. For that purpose the department shall have access to the records of the owner, proprietor, or custodian; [,] and the assessment shall be made and taxes collected thereon, with interest and penalties, as though regularly reported.

*(3) The assessment made under (1) of this section shall be reviewed according to KRS 131.110.*

Section 3. KRS 132.160 is amended to read:

(1) (a) *Taxes on distilled spirits that shall be assessed while in a bonded warehouse or premises as of January 1, 1967, and January 1 of each year thereafter, shall become due September 15 following the assessment date and shall become delinquent on January 1. Delinquent taxes on such distilled spirits shall be subject to the same penalties as provided by law for other tangible personal property, and the collecting officer shall have all the powers and duties to collect such delinquent taxes, penalties, and interest as provided by law for other tangible personal property in such taxing jurisdiction.*

[Taxes on distilled spirits that may be assessed while in a bonded warehouse as of January 1, 1951, and January 1 of each

year thereafter, and on which the Federal tax has not been paid, or will not become due before September 15 after the assessment, shall be due on the second day of January, May and September next after the Federal tax becomes due or is paid, or when the spirits are removed from the warehouse for transfer in bond out of this state.]

(b) *Taxes and interest on distilled spirits assessed while in a bonded warehouse or premises for each year prior to January 1, 1967, on which the federal tax has not been paid, shall be due on January 1, May 1, and September 1 next after the federal tax becomes due or is paid, or after the distilled spirits are removed from the bonded warehouse or premises for transfer in bond out of this state. After July 1, 1970, any owner or proprietor, or custodian of a bonded warehouse or premises may elect to pay at one time all accrued ad valorem taxes and interest. Such taxes and interest paid under this subsection shall be used for capital outlay by all local taxing jurisdictions.* [Taxes on distilled spirits that may be assessed while in a bonded warehouse as of September 1, 1948, and September 1, 1949, and on which the Federal tax has not been paid, or will not become due before the second succeeding September 15 after the assessment, shall be due on the second day of January, May and September next after the Federal tax becomes due or is paid, or when the spirits are removed from the warehouse for transfer in bond out of this state.]

(2) The taxes shall not become due by reason of a mere removal of the *distilled* spirits from one bonded warehouse *or premises* to another bonded warehouse *or premises* within this state, but in that event the owner or proprietor from whose *bonded* warehouse *or premises* the *distilled* spirits are moved shall execute a bond with good and sufficient surety conditioned upon a payment of all taxes that have accrued upon the *distilled* spirits prior to removal *from* [to] the county, city, or taxing district from which the *distilled* spirits are removed. The bond shall be in an amount sufficient to protect the county, city, or taxing district and shall be approved by the county judge for the county, the mayor for the city, the superintendent of any school district involved, and by the person whose duty it is to collect taxes for any other taxing district. Prior to removal of

any *distilled* spirits, the owner or proprietor from whose *bonded* warehouse *or premises* they are to be removed shall give written notice of such intention to the county, city, or taxing district, addressed to the officer thereof abovementioned and stating the quantity of *distilled* spirits to be moved and the name and address of the *bonded* warehouse *or premises* to which they are to be taken. After the *distilled* spirits are moved, the owner or proprietor shall notify the same officers of the county, city, or taxing district of the amount of accrued taxes on the *distilled* spirits, together with interest on the taxes. After any *distilled* spirits have once been moved as provided in this section and are moved again, all taxes that have accrued thereon up to the time of the second removal shall immediately become due and payable to any county, city, or taxing district to which any taxes have accrued.

(3) The taxes on each year's assessment shall bear legal interest until paid.

Section 4. KRS 132.180 is amended to read:

(1) Any person having custody of distilled spirits in a bonded warehouse *or premises* on the day as of which the assessment is made shall be liable for all taxes due thereon, together with all interest and penalties that may accrue. Any owner, proprietor, or custodian of such *distilled* spirits who pays the taxes, interest and penalties on the *distilled* spirits shall have a lien thereon for the amount paid, with legal interest from day of payment.

(2) *(a) Taxes on distilled spirits which are subject to the provisions of KRS 132.160 (1) (a) shall become due and payable in the manner provided by KRS 134.020 except that taxes due the state shall be paid directly to the Department of Revenue.*

*(b)* Any owner or proprietor of a bonded warehouse *or premises in which distilled spirits are stored upon which taxes have accrued* who fails to pay the taxes and interest on distilled spirits within fifteen days after they are due shall be deemed delinquent, and a penalty of eight per cent of each year's taxes due on the *distilled* spirits shall attach. The officer authorized to collect the taxes shall immediately cause special proceedings to

be instituted for the collection of the taxes with such interest and penalties as may be provided by law for the collection of delinquent taxes.

Section 5. KRS 243.680 is amended to read:

(1) *(a)* No person shall manufacture distilled spirits in this state unless he first obtains from the department a permit to engage in the business of manufacturing distilled spirits. At the time of the issuance of the permit he shall pay to the state a tax [of ten cents] for each proof gallon of distilled spirits for which the permit is issued.

*For distilled spirits manufactured prior to July 1, 1966, the tax shall be ten cents for each proof gallon; for distilled spirits manufactured between July 1, 1966, and June 30, 1967, inclusive, the tax shall be eight cents for each proof gallon; for distilled spirits manufactured between July 1, 1967, and June 30, 1968, inclusive, the tax shall be six cents for each proof gallon; for distilled spirits manufactured between July 1, 1968, and June 30, 1969, inclusive, the tax shall be four cents for each proof gallon; for distilled spirits manufactured between July 1, 1969, and June 30, 1970, inclusive, the tax shall be two cents for each poof gallon, and after June 30, 1970, there shall be no production tax due nor shall a production permit be required.*

*(b) Provided, however, that anyone holding a permit under the provisions of (1) (a) of this section shall be allowed a tax credit by the department if a lower tax rate per gallon becomes effective before the permit holder has manufactured all the distilled spirits pursuant to said permit. This credit shall be allowed upon timely notice by the permit holder under such regulations as may be promulgated by the department. Provided, further, that any permits paid for and not used by July 1, 1970, shall be subject to a cash refund.*

(2) (a) No person shall ship or transport or cause to be shipped or transported into the state any distilled spirits from points without the state without first obtaining a permit from the department and paying a tax [of ten cents] on each proof gallon contained in the shipment.

*For distilled spirits shipped or transported into the state*

*prior to July 1, 1966, the tax shall be ten cents for each proof gallon; for distilled spirits shipped or transported into the state between July 1, 1966, and June 30, 1967, inclusive, the tax shall be eight cents for each proof gallon; for distilled spirits shipped or transported into the state between July 1, 1967, and June 30, 1968, inclusive, the tax shall be six cents for each proof gallon; for distilled spirits shipped or transported into the state between July 1, 1968, and June 30, 1969, inclusive, the tax shall be four cents for each proof gallon; for distilled spirits shipped or transported into the state between July 1, 1969, and June 30, 1970, inclusive, the tax shall be two cents for each proof gallon, and after June 30, 1970, there shall be no import tax due nor shall an import permit be required.*

(b) *Holders of special nonindustrial alcohol licenses issued under the provisions of KRS 243.330 shall not be required to secure a permit to import alcohol, provided the alcohol is used only for nonbeverage purposes and under circumstances such as to render the same free from the payment of internal revenue taxes under the laws of the United States. Holders of special nonindustrial alcohol licenses shall be required to file reports prescribed by the department.*

*(c)* [(b)] No railroad company, [or] express company, *common carrier, or contract carrier,* shall receive for shipment or ship into this state any package or receptacle containing distilled spirits unless a copy of the permit, showing that payment of required taxes has been made, accompanies the shipment. *Any package or receptacle consigned to the holder of a license issued under KRS 243.330 need not have a permit provided the railroad company, express company, common carrier, or contract carrier has received written notification from the department that the consignee is duly licensed.*

*(d)* [(c)] The permit shall be in a form prescribed by the department, and all shipments into the state shall be governed by regulations promulgated by the department.

*(e)* [(d)] A railroad *company,* [or] express company, *common carrier or contract carrier* need not obtain a permit to transport distilled spirits, but shall be subject to all regulations of the department.

*(f) Provided, however, that anyone holding a permit under the provisions of (2) (a) of this section shall be allowed a tax credit by the department if a lower tax rate per gallon becomes effective before the permit holder has shipped or transported or caused to be shipped or transported into this state all the distilled spirits for which he holds a permit. This credit shall be allowed upon timely notice by the permit holder under such regulations as may be promulgated by the department. Provided, further, that any permits paid for and not used by July 1, 1970, shall be subject to a cash refund.*

Section 6. KRS 243.690 is amended to read:

*(1) If the tax imposed by KRS 243.680 has not previously been paid, distilled spirits used in blending, rectifying, or mixing shall be taxed at the same rate as imposed by KRS 243.680.*

[No person shall engage in the business of blending, rectifying or mixing distilled spirits, without obtaining from the department a permit to blend, rectify or mix distilled spirits. An excise tax of ten cents is imposed for each proof gallon of distilled spirits that has not borne the tax imposed by KRS 243.680 and which is used in said blending, rectifying or mixing.]

(2) A person engaging in the business of blending, rectifying, or mixing distilled spirits shall report on or before the *fifteenth* [tenth] day of the succeeding month, in such form and stating such facts as may be prescribed by the department, the amount of distilled spirits blended, rectified, or mixed during the preceding month. At the time of making the report, he shall pay the tax due under this section.

Section 7. KRS 243.715 is amended to read:

(1) *Upon all distilled spirits upon which the tax imposed by subsection (1) of KRS 243.720 as such statute existed on January 1, 1966, has been paid and which on July 1, 1966, are held and intended for sale or for use, there shall be levied, assessed, collected, and paid a floor stocks tax of seventy-two cents on each gallon of distilled spirits and a proportional rate per gallon on all distilled spirits used, sold, or distributed in any container of more or less than one gallon.* [Upon all wine or malt

beverages upon which the tax imposed by subsections (2) and (3) of KRS 243.720 as such statute existed on January 1, 1954 has been paid and which on July 1, 1954, are held and intended for sale or for use, there shall be levied, assessed, collected and paid a floor stocks tax as follows:

(a) Twenty-five cents on each gallon of wine and a proportionate tax at a like rate on all fractional parts of a gallon;

(b) One dollar on each thirty-one gallon barrel of malt beverages and a proportionate tax at a like rate on all fractional parts of a barrel.]

(2) Under such regulations as the Department of Revenue shall prescribe, every person required by subsection (1) of this section to pay any floor stocks tax shall on or before *August 1, 1966* [July 15, 1954], make a return and pay such tax to the Department of Revenue. [Payment of the tax shown to be due may be extended to a date not later than September 1, 1954, under such regulations as the Department of Revenue shall prescribe.]

(3) Any person who fails to pay the tax levied by this section at the time prescribed in subsection (2) of this section for payment, shall pay a penalty of twenty percent of the amount of tax due. Such penalty shall be assessed by the Department of Revenue and may be reviewed only as provided in KRS 131.110 [and KRS 131.120].

(4) Any person who violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one thousand dollars, or be imprisoned for not less than thirty days nor more than one year, or both.

Section 8. KRS 243.720 is amended to read:

(1) There is levied upon the use, sale or distribution by sale or gift of distilled spirits a tax of *$2.00* [$1.28] on each wine gallon of distilled spirits, and proportional rate per gallon on all distilled spirits used, sold, or distributed in any container of more or less than one gallon [; but the rate of the excise tax on spirits in retail containers of one-half pint shall be eight cents].

(2) There is levied upon the use, sale, or distribution by sale or gift of wine, a tax of fifty cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than four cents on the sale or distribution of any retail container of wine.

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $2.50 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

(4) This section shall not apply to:

(a) Wine manufactured, sold, given away, or distributed and used solely for sacramental purposes; or

(b) Distilled spirits and wine purchased by holders of special licenses provided for in KRS 243.320 and 243.330 and purchased and used in the manner authorized by those licenses.

Section 9. KRS 244.390 is amended to read:

(1) The contract referred to in KRS 244.380 shall provide for the following minimum resale prices without discount:

(a) Sale from distillers, rectifiers, blenders, producers, owners, or anyone for them, to wholesalers, a minimum mark-up resale price without discount for wholesalers of not less than fifteen percent.

(b) Sale from vintners to wholesalers, a minimum mark-up resale price without discount for wholesalers of not less than twenty percent.

(c) Sale from wholesalers to retailers, a minimum mark-up resale price without discount for retailers of not less than thirty-three and one-third percent in less than case lots and not less than ten percent in units of one case or more.

(2) Any donations, free goods, bribery or rebates of any character whatsoever which constitute any part of any inducement to purchase, before or subsequent to purchase, or which constitute any part of the consideration flowing from any licensee to any other licensee in this state, shall be construed as a violation of the minimum mark-up resale price.

(3) All mark-up resale prices to all licenses must be calculated on the actual price, inclusive of bottling charges and all other charges paid for the distilled spirits or wine sold, plus all taxes, plus all transportation charges, to be calculated on a minimum basis of not less than twenty-five cents per case; provided, however, that in the computation of the mark-up resale price there shall not be included any taxes levied by the Federal Government subsequent to March 1, 1942 *and the state tax of $2.00 per wine gallon levied under KRS 243.720.*

(4) No licensee shall offer to purchase or purchase, offer to sell or sell, any distilled spirits or wine for a price less than the minimum mark-up resale price.

(5) The entire state shall constitute one trading area, and no licensee shall submit to the board any fair trade contract which provides for any different minimum resale mark-up price for any portion of the state area different from that which is provided for the whole area.

(6) The department shall at all times investigate and regulate any unusual differences between market prices and minimum resale prices provided for in fair trade contracts on file. If upon investigation it appears that the orderliness of the market has been disrupted by fluctuations in market prices, licensees responsible for such practices shall be deemed guilty of unfair competition as in KRS 244.470.

Section 10. KRS 132.170 and KRS 132.185 are hereby repealed.

Section 11. KRS 243.680, KRS 243.685, KRS 243.690, KRS 243.705, KRS 243.706, and KRS 243.707, are repealed effective July 1, 1970.

Section 12. Unless otherwise provided herein, this Act shall become effective July 1, 1966.

**HB 109**, AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 139.050 is amended to read as follows:

(1) "Gross receipts" means the total amount of the sale, lease or rental price, as the case may be, of "retail sales," or "sales at retail," valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the department may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property;

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense;

(c) The cost of transportation of the property prior to its sale to the purchaser.

(2) The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale;

(b) All receipts, cash, credits and property of any kind;

(c) Any amount for which credit is allowed by the seller to the purchaser.

(3) "Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales (provided that premium or trading stamps shall not be considered as cash discounts);

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned;

(c) The price received for labor or services used in installing or applying the property sold;

(d) The amount of any tax (not including, however, any manufacturer's excise or import duty) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer;

(e) Sales of gasoline and special fuels subjected to tax under KRS Chapter 138;

(f) The sales price of any motor vehicle, including those defined under KRS 189.010 (5) and 189.010 (10), which has never been registered in Kentucky.

*(g) The sales price of any flag of the United States of America.*

(4) For purposes of the sales tax, if the retailer establishes to the satisfaction of the department that the sales tax has been added to the total amount of the sale price and has not been absorbed by the retailer, the total amount of the sale price shall be deemed to be in the amount received exclusive of the tax imposed.

The Committee on Labor reported **HB 111** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 111**, AN ACT relating to unemployment insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) All benefits shall be paid through employment offices, or such other agencies as may be designated by regulations of the commission. Claims for all payments of benefits shall be made in accordance with regulations of the commission.

(2) *The weekly benefit rate* [Benefits] payable to an eligible worker for weeks of unemployment shall, except as provided in KRS 341.390, be *an amount equal to one twenty-fifth of his base-period wages in that calendar quarter of his base period in which such wages were highest, except that no worker's weekly benefit rate shall be less than twelve dollars nor*

*more than the maximum rate as determined in accordance with subsection (3) of this section.* [at the rate in Column "C" of "Table B" on the same line on which, in Column "B", there appears the amount of base-period wages paid to him in that calendar quarter of his base period in which such base-period wages were highest.

TABLE B

| Wage Class (A) | High Quarter Wages (B) | Weekly Benefit Rate (C) |
|---|---|---|
| 0 | Less than $250.00 | $ 0.00 |
| 1 | $250.00 - 312.50 | 12.00 |
| 2 | 312.51 337.50 | 13.00 |
| 3 | 337.51 - 362.50 | 14.00 |
| 4 | 362.51 - 387.50 | 15.00 |
| 5 | 387.51 412.50 | 16.00 |
| 6 | 412.51 - 437.50 | 17.00 |
| 7 | 437.51 - 462.50 | 18.00 |
| 8 | 462.51 487.50 | 19.00 |
| 9 | 487.51 512.50 | 20.00 |
| 10 | 512.51 - 537.50 | 21.00 |
| 11 | 537.51 - 562.50 | 22.00 |
| 12 | 562.51 587.50 | 23.00 |
| 13 | 587.51 612.50 | 24.00 |
| 14 | 612.51 - 637.50 | 25.00 |
| 15 | 637.51 662.50 | 26.00 |
| 16 | 662.51 687.50 | 27.00 |
| 17 | 687.51 - 712.50 | 28.00 |
| 18 | 712.51 - 737.50 | 29.00 |
| 19 | 737.51 762.50 | 30.00 |
| 20 | 762.51 787.50 | 31.00 |
| 21 | 787.51 - 812.50 | 32.00 |
| 22 | 812.51 - 837.50 | 33.00 |
| 23 | 837.51 862.50 | 34.00 |
| 24 | 862.51 - 887.50 | 35.00 |
| 25 | 887.51 - 912.50 | 36.00 |
| 26 | 912.51 - 937.50 | 37.00 |
| 27 | 937.51 - 962.50 | 38.00 |
| 28 | 962.51 987.50 | 39.00 |
| 29 | 987.51 or over | 40.00] |

(3) *Prior to the first day of July of each year the commissioner shall determine the average weekly wage for insured employment by dividing the average monthly employment, as obtained by dividing the total monthly employment reported by subject employers for the preceding calendar year by twelve, into the total wages reported by such employers for such calendar year and dividing by fifty-two. One-half of the amount thus obtained, adjusted to the nearest multiple of one dollar, shall constitute the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July of such year and prior to the first day of July of the next following year.*

*(4)* The maximum amount of benefits payable to any worker within any benefit year shall be the amount equal to whichever is the lesser of (1) twenty-six times his weekly benefit rate or (2) one-third of his base-period wages, except that no worker's maximum amount shall be less than fifteen times his weekly benefit rate. Such maximum amount, if not a multiple of one dollar, shall be adjusted to the nearest multiple of one dollar.

Section 2. The provisions of this Act shall become effective on and after July 1, 1966.

## Calendar

**HB 9** with Committee amendment, **HB 55, HB 97** and **HB 104** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Introduction of Bills and Resolutions

**HB 173**, by Representatives Irick, Harris, Secrest, Henry, Chapman, Majors, Lassiter, Howard Hunt, Jr., and Hinkle: AN ACT relating to identification plates for autos of disabled veterans.

**HB 174**, by Representative Chaudoin: AN ACT relating to the settlement of claims under motor vehicle liability insurance policies.

**HB 175**, by Representatives DeMarcus, Hoe, Jones, Ball, Short, Straney, Keene, McNamara and Ostertag: AN ACT relating to revenue and taxation.

**HB 176**, by Representative Isler: AN ACT relating to motor vehicles and revenue and taxation thereof.

**HB 177**, by Representatives Ball, Riddle, Wheeler, Russell, Buky, Hoe, Short, Jones, Harper, DeMarcus, Sartin, Wallace, Clark, Peace, Dempsey, Wright and Bicknell: AN ACT requiring the disclosure of finance charges in connection with extensions of credit.

**HB 178**, by Representatives Clapp, Maddox, Lassiter, Arnett, E. G. Brown, Straney and Morgan: AN ACT relating to district detectives in counties containing 150,000 population, or containing a city of the second class, or having a population of 40,000, but not containing a city of the second class; or a district composed of three or more counties containing a city of the third class.

**HB 179**, by Representative Carroll: AN ACT relating to motor vehicles and revenue and taxation thereof.

**HB 180**, by Representative Roberts: AN ACT relating to the taxation of non-profit cemetery companies.

**HB 181**, by Representatives King, Siemens, Kelly, Ostertag, Overman and Majors: AN ACT relating to motor vehicles and the regulation and registration thereof.

**HB 182**, by Representatives Peace, Clark and Sartin: AN ACT relating to public offenses.

**HB 183**, by Representative Peace: AN ACT chartering the City of Corbin in Laurel County.

**HB 184**, by Representative Blythe: AN ACT relating to absentee voting.

**HB 185**, by Representatives Warders, Ball, Ballenger, Eicher, Riddle, Hoe, Wallace, Harper, Brady, James E. Hunt, Siemens, Stuart, Johnson and Vanover: AN ACT providing for the exemption of any political subdivision or school districts from the Motor Vehicle Usage Tax.

**HB 186**, by Representative DeMarcus: AN ACT relating to revenue and taxation for educational purposes.

**HB 187**, by Representatives Whitlock, C. R. Miller, Ball, John D. Miller, Howard Hunt, Jr., Pettit and Chaudoin: AN ACT relating to Real Estate Brokers and Salesmen.

**HB 188**, by Representative John Y. Brown: AN ACT to revise and correct the Kentucky Revised Statutes.

## Report on Enrolled Bills

The Committee on Enrolllment reported **HB 36** had been examined and found correctly enrolled. **HB 36** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 36** delivered, signed by the President. Ordered delivered to the Governor.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture: **HB 161.**

County Government: **HB 163, HB 172.**

Criminal Law: **HB 166.**

Education: **HB 159.**

Elections: **HB 143, HB 146, HB 154, HB 168.**

Governmental Affairs: **HB 155, HB 162, HB 169.**

Insurance: **HB 149, HB 150.**

Judiciary and Judicial Council: **HB 170, HB 171.**

Kentucky Statutes # 1: **HB 157, HR 35.**

Kentucky Statutes # 2: **HB 151, HR 34.**

Kentucky Statutes # 3: **HB 153, HB 158, HB 167, HR 38.**

Municipalities: **SB 20, HB 160.**

Oil and Petroleum: **HB 152.**

Public Health: **HB 144, HB 147, HB 164, HB 165.**

Roads and Highways: **HB 148.**

State Parks: **HB 142.**

Ways and Means: **HB 145.**

Representative John Y. Brown moved that the House adjourn until 8:00 p.m., Tuesday, February 1, 1966.

On the roll call the vote was yeas 50—Allen, Arnett, Ballenger, Barber, Bates, Bicknell, Bourne, Brady, Bruce, Buky, Caldwell, Chaudoin, Clapp, Criscillis, Denham, Eicher, Floyd, Hardin, Harper, Henry, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Johnson, Jones, Leeds, Majors, Martin, McBrayer, McCowan, McNamara, John D. Miller, Ostertag, Overman, Peniston, Pile, Riddle, Sartin, Siemens, Smothers, Straney, Tucker, Vanover, Warders, Watkins, White, Whitlock, Wright. Nays 2—Hale, Kessinger.

The motion to adjourn was adopted.

## TUESDAY, FEBRUARY 1, 1966

## TWENTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by Dr. Ray Mofield, Assistant President of Murray State College, Murray, Kentucky.

The roll was called. All present except Representatives Allen, Arnett, Ball, Ballenger, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Buky, Caldwell, Chaudoin, Clark, Eicher, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Howard P. Hunt, Jr., James E. Hunt, Isler, Johnson, Jones, Keene, Kelly, King, Leeds, Maddox, McBrayer, Clarence R. Miller, Morgan, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Riddle, Russell, Sheehan, Short, Siemens, Smothers, Stuart, Tucker, Vanover, Warders, Webster, Wells, White, Whitlock, Wright and Young.

### Announcements

Capital punishment hearing was postponed until 9:00 a.m., February 3, 1966.

The Governor's breakfast was postponed until Wednesday, February 9, 1966.

The Governor's reception was postponed.

Due to lack of a quorum, Representative Denham moved that the House adjourn until 3:00 p.m., Wednesday, February 2, 1966.

On the roll call the vote was yeas 38—Barber, Edward G. Brown, Bruce, Carroll, Chapman, Clapp, Cox, Criscillis, DeMarcus, Dempsey, Denham, Floyd, Hale, Hardin, Harper, Hopkins, Irick, Jordan, Kessinger, Lassiter, Majors, Martin, McCallum, McCowan, McIntyre, McNamara, John D. Miller, Murphy, W. J. Reynolds, Roberts, Sartin, Secrest, Smith, Straney, Wallace, Watkins, Wheeler. Nays 0.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 2, 1966

## TWENTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort.

The roll was called. All present except Representatives Arnett, Ballenger, Billings, Blume, Carroll, Chaudoin, Harris, Hoffman, James E. Hunt, Johnson, Jones, Leeds, Maddox, McBrayer, Clarence R. Miller, Peniston, Sartin, Sheehan, Webster, Whitlock and Young.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 1, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

**HR 45**, by Representatives Isler, Morgan, McCallum, Denham, Harris, Hinkle, Overman, Murphy, Russell Reynolds, Ostertag, Roberts, Secrest, Harper, Chapman, Pile, Keene, Bates and Billings: A RESOLUTION extending the condolences of the House of Representatives to Gus Sheehan, Jr. and his family over the death of his father.

WHEREAS, Gus Sheehan, Sr., the father of Representative Sheehan of Covington died on January 31, 1966; and

WHEREAS, a long time resident of Kenton County, Gus Sheehan, Sr. was a well known barber, businessman, and member of the West Covington City Council, and a leader in the community life of West Covington;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the members of the House of Representa-

tives extend to Gus Sheehan, Jr., and his family their heartfelt condolences over the death of his father.

Section 2. That when the House of Representatives adjourns on February 2, 1966 it does so in memory of the late Gus Sheehan, Sr.

Section 3. That the Chief Clerk of the House send a copy of this resolution to Representative Gus Sheehan, Jr., in Covington.

Representative Isler moved the adoption of **HR 45.** Agreed.

Representative Murphy moved that **HB 140** be recommitted to the Committee. Agreed.

**HR 46,** by Representative Wheeler: A RESOLUTION requesting the Attorney General to investigate the qualifications of the Executive Director of the Board of Barbering and Board of Hairdressers and Cosmetologists.

The Speaker referred **HR 46** to the Committee on Committees.

**HR 44,** by Representative Hinkle: A RESOLUTION commending the Department of Highways for their work in clearing the Capitol driveways.

WHEREAS, the near record snowfall of recent days has created serious difficulties in conducting the business of the Commonwealth; and

WHEREAS, despite the most adverse conditions the Department of Highways has done an excellent job in clearing the Capitol driveways and parking areas to allow the members of the General Assembly access to the Capitol and making it possible for the General Assembly to continue its work in an orderly manner;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives commend the Department of Highways for their work in snow removal on the Capitol driveways and parking areas.

Section 2. That the Chief Clerk of the House transmit a copy of this resolution to the Commissioner's office of the Department of Highways.

Representative Hinkle moved the adoption of **HR 44.** Agreed.

Representative Dempsey moved that all bills in Orders of the Day, with the exception of **HB 55** be recommitted.

On the roll call the vote was yeas 6—Bartley, Bicknell, Edward G. Brown, Dempsey, Kessinger, Secrest. Nays 41—Allen, Barber, Bondurant, Bourne, John Y. Brown, Bruce, Buky, Chapman, Clapp, Cox, Criscillis, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hopkins, Irick, Isler, Kelly, King, Lassiter, Majors, McIntyre, McNamara, John D. Miller, Murphy, Ostertag, Overman, Pettit, Russell Reynolds, W. J. Reynolds, Jr., Roberts, Sartin, Siemens, Smith, Smothers, Tucker, Vanover, Warders.

The motion that all bills in Orders of the Day be recommitted was rejected.

## Senate Message

Announcing passage of **SR 22.**

## Motions, Petitions, and Communications (Contd.)

**HR 43,** by Representative Osborn: A RESOLUTION relating to higher education.

Representative Osborn moved the adoption of **HR 43.**

Representative Denham moved that **HR 43** be referred to the Committee on Committees.

On the roll call the vote was yeas 61—Allen, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Buky, Caldwell, Chapman, Clapp, Cox, Criscilllis, Dempsey, Denham, Hale, Hardin, Harper, Henry, Hinkle, Hislope, Hoe, Hopkins, Irick, Keene, Kelly,

Kessinger, King, Lassiter, Martin, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Overman, Peace, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Secrest, Siemens, Smith, Straney, Tucker, Warders, Watkins, Wells, Wheeler, Whitlock, Wright. Nays 5—DeMarcus, Osborn, Pettit, Sartin, Smothers.

The motion that **HR 43** be referred to the Committee on Committees was adopted.

**SR 22**, A RESOLUTION expressing the sorrow of the General Assembly for the death of Parker W. Duncan.

WHEREAS, Parker W. Duncan sat as a judge on the Court of Appeals of Kentucky; and

WHEREAS, Mr. Duncan was a loyal citizen of the Commonwealth and a prominent citizen in Bowling Green, Kentucky; and

WHEREAS, Mr. Duncan passed away January 24, 1966; and

WHEREAS, it is fitting that the General Assembly express its regret and sadness over the passing of such a fine and patriotic servant;

NOW, THEREFORE,

*Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That the General Assembly expresses deep regret and great sorrow to the wife and family of Judge Parker W. Duncan upon hearing of his death in Bowling Green, Kentucky, on January 24, 1966.

Section 2. That the Clerk of the Senate is directed to mail a copy of this resolution to Mrs. Parker W. Duncan, Bowling Green, Kentucky.

Representative John Y. Brown moved the adoption of **SR 22.** Agreed.

## Calendar

**HB 109** and **HB 111** taken from the Calendar and ordered read at length for the second time. Representative John Y.

Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Orders of the Day

**HB 55** taken from Orders of the Day and ordered read at length for the third time. Representative Jordan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 70—Allen, Ball, Barber, Bates, Bicknell, Billings, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Irick, Isler, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Majors, Martin, McIntyre, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Pettit, Pile, W. J. Reynolds, Riddle, Russell, Sartin, Siemens, Smith, Smothers, Straney, Tucker, Vanover, Wallace, Warders, Watkins, Wheeler, Wright. Nays 3—Blythe, Secrest, Wells.

**HB 55** was passed and the title agreed to.

Representative Jordan moved that the vote by which **HB 55** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 97** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Allen, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Majors, Martin, McCowan, McIntyre, McNamara, John D. Miller, Morgan,

Murphy, Osborn, Ostertag, Overman, Peace, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Secrest, Short, Siemens, Smith, Smothers, Straney, Tucker, Vanover, Wallace, Warders, Watkins, Wells, Wheeler, White, Whitlock, Wright. Nays 2—Dempsey, Sartin.

**HB 97** was passed and the title agreed to.

**HB 104** taken from Orders of the Day and ordered read at length for the third time. Representative Hinkle moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hale moved the adoption of the following amendment to **HB 104:**

Amend printed copy of House Bill 104 on page 4, line 7, by inserting after the word "five" the word "highest" and deleting the word "consecutive".

Agreed.

On the roll call the vote was yeas 82—Allen, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Irick, Isler, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Majors, Martin, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Wells, Wheeler, White, Wright. Nays 0.

**HB 104** as amended was passed and the title agreed to.

## Introduction of Bills and Resolutions

**HB 189,** by Representative Floyd: AN ACT relating to motor vehicle operator licenses.

**HB 190,** by Representatives Roberts, Watkins, Whitlock, Wheeler and Hopkins: AN ACT relating to operator's license.

**HB 191,** by Representative Isler: AN ACT relating to sales and use taxes.

**HB 192,** by Representative Cox: AN ACT pertaining to the legal sale and distribution of beer and malt beverages: prohibiting the extension and acceptance of credit by brewers, wholesalers and retailers in fixing the penalty for violation thereof.

**HB 193,** by Representative Cox: AN ACT requiring licensed wholesalers or distributors engaged in the business of selling beer, ale, or certain other malt beverages to file price schedules with the Kentucky Department of Alcoholic Beverage Control, to further regulate such beverage industry, and to provide penalties for violations.

**HB 194,** by Representatives W. J. Reynolds, Carroll, Smith, Watkins, Morgan, Clapp, Kelly, Dempsey, Irick, Wells, Russell Reynolds and Jordan: AN ACT relating to business trusts.

**HB 195,** by Representatives Dempsey, Wallace and Harper: AN ACT relating to revenue and taxation.

**HB 196,** by Representatives Henry, Chaudoin, Bourne and Carroll: AN ACT relating to city streets.

**HB 197,** by Representatives Bondurant, Webster, W. J. Reynolds, Jr., and Roberts: AN ACT relating to the educational qualifications of practitioners of the healing arts.

**HR 42,** by Representative DeMarcus: A JOINT RESOLUTION requesting a study of contract and tort actions against the state.

## Announcements

The Committee Chairmen called the following meetings:

Appropriations—Room 402. Adjournment.

Criminal Law—Room 400. Adjournment.

Ways and Means—Room 401. 11:00 a.m.

Courts and Legal Procedure—Room 400. 11:00 a.m.

Roads and Highways—Room 401. Adjournment.

Judiciary—Room 400. 11:30 a.m.

The Governor's reception is postponed until February 9, 1966.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., Thursday, February 3, 1966.

On the roll call the vote was yeas 43—Allen, Barber, Bates, Blythe, Bondurant, Brady, John Y. Brown, Buky, Caldwell, Clapp, Criscillis, Denham, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hoe, Hopkins, Irick, Jordan, King, Majors, Murphy, Osborn, Ostertag, Russell Reynolds, Riddle, Roberts, Russell, Short, Siemens, Smothers, Straney, Stuart, Vanover, Warders, Wells, Wheeler, White, Whitlock, Wright. Nays 0.

The motion to adjourn was adopted.

## THURSDAY, FEBRUARY 3, 1966

## TWENTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort.

The roll was called. All present except Representatives James E. Hunt, Kelly, Maddox, McBrayer, Sheehan and Young.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of February 2, 1966, be dispensed with and the same approved. Agreed.

Representative Pettit moved that the House recess for 45 minutes for Committee meetings. Representative Pettit amended his motion to 30 minutes. Representative Caldwell moved that all committees be called during the recess.

Representative Dempsey moved that the House adjourn until 3:00 p.m., Monday, February 7, 1966.

On the roll call the vote was yeas 23—Bicknell, Blythe, Bourne, Brady, Archie Brown, Buky, Chapman, Clapp, Clark, Dempsey, Floyd, Hale, Harris, Johnson, Kessinger, Lassiter, McCowan, Peace, Pile, W. J. Reynolds, Sartin, Smothers, White. Nays 44—Allen, Arnett, Ballenger, Bates, Blume, Bondurant, E. G. Brown, John Y. Brown, Carroll, Cox, Criscillis, DeMarcus, Denham, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Isler, Jordan, Keene, King, Leeds, Majors, Martin, McIntyre, McNamara, John D. Miller, Murphy, Osborn, Ostertag, Peniston, Pettit, Riddle, Roberts, Smith, Stuart, Tucker, Vanover, Wallace, Watkins, Webster.

The motion to adjourn was rejected.

Representative Lassiter moved that the amendment to Representative Pettit's motion be laid on the table.

On the roll call the vote was yeas 46—Arnett, Ball, Ballenger, Bartley, Blume, Bourne, Archie Brown, Edward G. Brown, Buky,

Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Hale, Harris, Hinkle, Hopkins, Irick, King, Lassiter, Majors, McCowan, McIntyre, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pile, W. J. Reynolds, Russell, Sartin, Short, Smith, Smothers, Warders, Webster, Wells, Wheeler, White, Wright. Nays 26—Bates, Bicknell, Blythe, Bondurant, Brady, John Y. Brown, Bruce, Caldwell, DeMarcus, Eicher, Hardin, Harper, Hoffman, Jordan, Kessinger, Leeds, McNamara, John D. Miller, Osborn, Pettit, Riddle, Roberts, Secrest, Siemens, Stuart, Watkins.

The motion that the House recess for 30 minutes for Committee meetings was tabled.

Representative Peniston moved that the House recess for 10 minutes for Democratic Caucus.

On the roll call the vote was yeas 40—Allen, Arnett, Barber, Bates, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Chaudoin, Cox, Criscillis, DeMarcus, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jordan, Keene, Leeds, Majors, Martin, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Roberts, Short, Siemens, Smothers, Tucker, Webster. Nays 36—Ball, Ballenger, Bartley, Bicknell, Billings, Blythe, Bourne, Brady, Archie Brown, Buky, Caldwell, Clapp, Clark, Dempsey, Eicher, Floyd, Hale, Harper, Hislope, Hoe, Johnson, Kessinger, McCowan, McIntyre, Peace, W. J. Reynolds, Jr., Riddle, Russell, Sartin, Secrest, Stuart, Vanover, Warders, Wheeler, White, Wright.

The motion that the House recess for Democratic Caucus was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative John Y. Brown moved that all bills in Orders of the Day be passed over and retain their positions.

On the roll call the vote was yeas 53—Allen, Arnett, Barber, Bartley, Bates, Bicknell, Billings, Blume, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, Dempsey, Denham, Hale, Hardin, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Johnson, Jordan, Keene,

Lassiter, Leeds, Majors, McNamara, Clarence R. Miller, John D. Miller, Morgan, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Sartin, Smith, Smothers, Straney, Tucker, Webster, Wells, White. Nays 24—Ball, Ballenger, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, DeMarcus, Eicher, Floyd, Harper, Hoe, Kessinger, McCowan, McIntyre, Riddle, Russell, Short, Stuart, Vanover, Warders, Wheeler, Wright.

The motion that all bills in Orders of the Day be passed over and retain their positions was adopted.

**Motions, Petitions, and Communications**

The following members requested, and were granted permission, that they be recorded as voting "yea" on passage of **HB 104:** Representatives Howard P. Hunt, Jr., Webster, Clarence Miller, Hoffman and Arnett. They were absent when the vote was taken.

**HR 50,** by Representatives Hardin, Bruce and John D. Miller: A RESOLUTION requesting the Governor of Kentucky to arrange for a presentation of Tennessee's Operation Crime Prevention to a joint session of the Kentucky General Assembly.

WHEREAS, the State of Tennessee has instituted a highly successful program, designated Operation Crime Prevention, which is designed to discourage crime among teenagers; and

WHEREAS, this Tennessee program is under the auspices of that state's Department of Corrections and involves a presentation by persons now under conviction and confinement of the dangers of crime, the involvement in crime-prone situations, the effect of criminal action on the individual; and

WHEREAS, this Tennessee group has appeared before 160,000 teenagers in the last ten months to explain the consequences of crime and the purposes of rehabilitation and correction; and

WHEREAS, this Tennessee program well might assist the Commonwealth of Kentucky, and the General Assembly, in designing a sounder rehabilitation and correction program;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Governor of the Commonwealth of Kentucky is requested to contact the Governor of the State of Tennessee and ascertain if a presentation of Tennessee's Operation Crime Prevention before a joint session of the Kentucky General Assembly would be feasible.

Section 2. That the Governor of the Commonwealth of Kentucky shall direct the Commissioner of the Department of Corrections and the Commissioner of Public Safety to make all arrangements for the transportation of Tennessee personnel for the presentation of this program if it is found feasible.

Section 3. That the Governor of the Commonwealth of Kentucky is requested to advise the Speaker of the House of Representatives and the President of the Senate of the time convenient for a presentation of Tennessee's Operation Crime Prevention before a joint session of the Kentucky General Assembly to the end that this General Assembly may make necessary arrangements for a joint session.

Section 4. That the Chief Clerk shall submit a copy of this resolution to the Governor of the Commonwealth of Kentucky and to the Governor of the State of Tennessee.

Representative Hardin moved the adoption of **HR 50.** Agreed.

**HR 51,** by Representatives Watkins and Straney: A RESOLUTION endorsing the effort of the Kentucky Department of Parks to secure an acreage at Ft. Knox for the construction and operation of a "Gold Vault Museum" as a state shrine.

WHEREAS, State Parks Commissioner Robert D. Bell has announced that the Commonwealth of Kentucky is requesting permission from the U. S. Army Department to construct and operate a "Gold Vault Museum" at the Ft. Knox Military Reservation; and

WHEREAS, a "Gold Vault Museum" would be a tremendous

attraction to tourists, since the tourists would have an opportunity to see the gold depository from a viewing platform, and would also have an opportunity to learn about gold from informational and educational exhibits; and

WHEREAS, a visit to the "Gold Vault Museum" would be of great educational value since it would include an area explaining that part gold has played in human history, an area describing the process of mining gold, another area showing the principal uses of gold and explaining the purpose of the Federal Treasury Depository, and also an area with a simulated gold brick and the viewing platform; and

WHEREAS, the Department of Parks has a great deal of experience in operating museums, shrines and state parks, and would undoubtedly make this "Gold Vault Museum" an outstanding success which would create interest nationally;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives hereby goes on record as endorsing the effort of the Kentucky Department of Parks to secure an acreage on the military reservation at Ft. Knox for the construction and operation of a "Gold Vault Museum" as a state shrine.

Section 2. That a copy of this resolution be sent to Miss Eva Adams, Director of the Mint, United States Department of Treasury, Washington, D. C. and to the Commanding General at Ft. Knox.

Representative Watkins moved the adoption of **HR 51.**

On the roll call the vote was yeas 80—Allen, Arnett, Ballenger, Barber, Bates, Bicknell, Blythe, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Denham, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard, P. Hunt, Jr., Isler, Johnson, Jordan, Keene, Kessinger, King, Lassiter, Leeds, Majors, McCowan, McIntyre, McNamara, Clarence R. Miller, John D.

Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Wright. Nays 0.

**HR 51** was adopted.

**HR 52,** by Representatives Henry, Ball, Cox, Billings, Blythe, Bates, Chaudoin, Secrest, John Y. Brown, Bourne, Pettit and Osborn: A RESOLUTION congratulating the University of Kentucky basketball team.

WHEREAS, the University of Kentucky basketball team has convincingly proved itself one of the finest basketball teams in the country by winning sixteen consecutive basketball games against capable and talented competition; and

WHEREAS, the University of Kentucky basketball team under the tutelage of Adolph Rupp has displayed a high degree of teamwork and a finely tuned shooting ability; and

WHEREAS, the University of Kentucky basketball team now holds undisputed possession of first place in the Southeast Conference and is ranked second in the nation in wire service polls;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That this House extend its congratulations to the University of Kentucky basketball team and to Coach Adolph Rupp for a job well done.

Representative Henry moved the adoption of **HR 52.** Agreed.

## Introduction of Bills and Resolutions

**HB 198,** by Representatives Wheeler, Roberts, Sartin and Wright: AN ACT relating to revenue and taxation.

**HB 199,** by Representatives Wheeler, Dempsey, Sartin and Wright: AN ACT relating to police judges.

**HB 200,** by Representatives Ostertag and Murphy: AN ACT relating to alcoholic beverages.

**HB 201,** by Representatives Wheeler, Clapp, Morgan, Vanover, W. J. Reynolds, Jr., Watkins, Denham, Sartin, Hoe and Wright: AN ACT relating to the election of commissioners in cities of the second, third, fourth, fifth and sixth classes.

**HB 202,** by Representative Overman: AN ACT relating to textbooks in schools.

**HB 203,** by Representative Irick: AN ACT relating to workmen's compensation.

**HB 204,** by Representative Smothers: AN ACT relating to unemployment insurance.

**HB 205,** by Representatives Harper, Hoe, Buky, Dempsey, Ballenger, Blythe, Russell, McNamara, Short, Caldwell, Buky, DeMarcus, Ball, Wheeler, Hinkle and Wallace: AN ACT relating to obscene matter.

**HB 206,** by Representative John D. Miller: AN ACT relating to filing and recording of mortgages.

**HB 207,** by Representatives Leeds, Wheeler, Wright and Short: AN ACT relating to appearance on highways and streets in bathing garb.

**HB 208,** by Representatives Leeds, Smothers and Peniston: AN ACT relating to the duties and compensation of the Commonwealth's Attorneys.

**HB 209,** by Representatives Leeds, Wheeler, Wright and Short: AN ACT relating to unauthorized possession or use of federal food or cotton stamps.

**HB 210,** by Representatives Leeds, Wheeler, Wright and Short: AN ACT relating to the grazing of livestock on state lands surrounding either state capitol.

**HB 211,** by Representatives Chaudoin and Howard Hunt, Jr.: AN ACT relating to the authority of the Kentucky State Racing Commission.

**HB 212,** by Representatives Leeds, Wheeler, Wright and Short: AN ACT relating to theft by occupants of shanty boats.

**HB 213,** by Representatives Leeds, Wheeler, Wright and Short: AN ACT relating to street railroads.

**HB 214,** by Representatives Leeds, Wheeler, Wright and Short: AN ACT relating to the effect of conviction for forgery on the forged instrument.

**HB 215,** by Representative Wheeler: AN ACT relating to loans at a rate of interest in excess of six percent.

**HB 216,** by Representatives Wheeler, Wright and Short: AN ACT relating to the tax on gasoline.

**HB 217,** by Representatives Chaudoin, Bruce, Pile, Denham and Bates: AN ACT relating to creation of and investment in wholly owned subsidiaries by domestic mutual insurers or domestic stock insurers.

**HB 218,** by Representatives Archie Brown and White: AN ACT relating to costs and expenses in county courts.

**HB 219,** by Representative Criscillis: An ACT changing the classification of the City of Lynch in Harlan County.

**HB 220,** by Representative Isler: AN ACT relating to motor vehicle equipment.

**HB 221,** by Representatives Ballenger, Eicher, Vanover, Buky, Wright, Russell, Stuart, Caldwell, Blythe, Warders, Riddle, Johnson and Brady: AN ACT relating to qualification, registration and purgation of voters.

**HB 222,** by Representative Henry: AN ACT relating to city sidewalks.

**HB 223,** by Representative Eicher: AN ACT relating to absent voting.

**HB 224,** by Representative Eicher: AN ACT proposing an amendment to Section 147 of the Constitution of Kentucky.

**HB 225,** by Representative John Y. Brown: AN ACT relating to the admissability in evidence of scientific evidentiary tests.

**HB 226,** by Representative John Y. Brown: AN ACT relating to use of scientific tests for personality analysis by the parole board.

**HB 227,** by Representative Peniston: AN ACT relating to weights and measures.

**HR 47,** by Representatives Stuart, Johnson, James E. Hunt, Ball, Hoe, Tucker, Wallace, Eicher, King, Kelly, Siemens, Ballenger, Warders, Watkins, McBrayer, Morgan, Wheeler, Short, Caldwell, Harper and Bicknell: A JOINT RESOLUTION commemorating the one hundred seventy-fifth anniversary of the admission of the Commonwealth of Kentucky to the United States of America, and making an appropriation.

**HR 48,** by Representatives Caldwell, Hoe, Russell, Ball, Hislope, Peace, Floyd, Wheeler, Vanover, Archie Brown, Wright, Dempsey, Sartin, Morgan, W. J. Reynolds, Jr., Stuart and Short: A JOINT RESOLUTION directing the investment and disposition of surplus funds of the state.

**HR 49,** by Representatives Dempsey and W. J. Reynolds: A RESOLUTION requesting the Governor and Department of Highways to complete the Middlefork road from Inez to Prestonsburg.

Representative Johnson moved that when the House adjourns today that it do so honoring 28,000 school teachers who staged a protest walk-out, February 3, 1966. Agreed.

## Announcements

Representative King announced a public hearing on capital punishment for 9:00 a.m., February 4, 1966.

Representative John Y. Brown moved that the House adjourn, honoring teachers who opposed the walk-out and had respect for their contracts, until 3:00 p.m., Monday, February 7, 1966.

On the roll call the vote was yeas 50—Allen, Arnett, Ballenger, Barber, Bates, Bicknell, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Cox, Criscillis, Floyd, Hale, Hardin, Harper, Hinkle,

Hoffman, Hopkins, Irick, Johnson, Jordan, Keene, Leeds, Majors, McIntyre, McNamara, John D. Miller, Osborn, Overman, Peace, Peniston, Pile, Russell Reynolds, Roberts, Russell, Smothers, Tucker, Vanover, Wallace, Warders, Webster, Wheeler, Wright. Nays 8—Ball, Bartley, Hoe, King, McCowan, Riddle, Sartin, Siemens.

The motion to adjourn was adopted.

## MONDAY, FEBRUAR 7, 1966

## TWENTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Robert J. Laughlin, First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Leeds, Smith and Whitlock.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 3, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

The Speaker announced the resignation of Virgil Smith as Janitor of the 1966 House of Representatives, effective the 31st day of January. Resignation accepted.

Representative John Y. Brown nominated Mrs. Mary Susan Radford of Hopkinsville, Kentucky, to be elected Janitor.

Representative Straney moved that the nominations cease. Agreed.

On the roll call the vote was yeas 68—Arnett, Ballenger, Barber, Bates, Billings, Blume, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clapp, Clark, Cox, Denham, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Irick, Jones, Jordan, Keene, Kelly, King, Lassiter, Maddox, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Watkins, Webster, Wells, White, Wright, Young. Nays 1—Dempsey.

Mrs. Radford was elected Janitor.

Representative McBrayer administered the oath of office to Mrs. Radford.

Representative Maddox stated had he been present on February 2, 1966, he would have voted "yea" on **HB 104.** Representative Maddox's request that he be recorded as voting "yea" on **HB 104** was granted.

Representative Russell moved that the Rules be suspended. Agreed.

Representative Russell moved that **HB 109** be taken from Orders of the Day and placed upon its passage.

On the roll call the vote was yeas 38—Ball, Ballenger, Bicknell, Billings, Blythe, Brady, Archie Brown, Buky, Caldwell, Clapp, Clark, DeMarcus, Dempsey, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, Leeds, McCowan, McIntyre, Peace, Riddle, Russell, Sartin, Secrest, Short, Smith, Stuart, Vanover, Wallace, Warders, Wheeler, White, Wright. Nays 22—Allen, Arnett, Bates, Blume, John Y. Brown, Bruce, Carroll, Chapman, Denham, Hale, Hardin, Henry, Hopkins, Irick, Jordan, John D. Miller, Murphy, Peniston, Russell Reynolds, Siemens, Smothers, Young.

The motion that **HB 109** be taken from Orders of the Day and placed upon its passage was adopted.

Representative Cox announced that his desk was locked and he wished to vote "nay" on the motion to take **HB 109** from Orders of the Day and place it upon its passage. Agreed.

## Recess

Representative John Y. Brown moved that the House recess for 10 minutes for Democratic caucus.

On the roll call the vote was yeas 51—Arnett, Barber, Bates, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Chapman, Chaudoin, Cox, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Leeds, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn,

Ostertag, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Siemens, Smith, Smothers, Straney, Tucker, Watkins, Webster, Young. Nays 34—Ball, Ballenger, Bartley, Bicknell, Blythe, Brady, Archie Brown, Caldwell, Clark, Demarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, McIntyre, Peace, Russell, Sartin, Secrest, Short, Stuart, Vanover, Wallace, Warders, Wheeler, White, Wright.

The motion that the House recess was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative John Y. Brown moved that **HB 109** be recommitted to Committee.

On the roll call the vote was yeas 58—Allen, Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Cox, Denham, Hale, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Maddox, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sheehan, Siemens, Smith, Smothers, Straney, Tucker, Watkins, Webster, Wells, Whitlock, Young. Nays 37—Ball, Ballenger, Bartley, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, Leeds, McCowan, McIntyre, Peace, Riddle, Russell, Sartin, Secrest, Short, Stuart, Vanover, Wallace, Warders, Wheeler, White, Wright.

**HB 109** was recommitted to Committee.

## Senate Message

Announcing passage of **SB 65.**

Representative Caldwell moved that every bill now in Committee be taken from Committee and given first reading.

On the roll call the vote was yeas 27—Ball, Bicknell, Blythe,

Brady, Buky, Caldwell, DeMarcus, Dempsey, Eicher, Floyd, Hislope, Hoe, James E. Hunt, Johnson, Kessinger, McCowan, Peace, Riddle, Russell, Sartin, Secrest, Stuart, Vanover, Wallace, Wheeler, White, Wright. Nays 62—Allen, Arnett, Barber, Bartley, Bates, Blume, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Clapp, Cox, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, C. R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Jr., Roberts, Sheehan, Siemens, Smith, Smothers, Straney, Tucker, Watkins, Webster, Wells, Whitlock, Young.

The motion that every bill now in Committee be taken from Committee and given first reading was defeated.

Representative Dempsey moved that the House adjourn until 11:00 a.m., February 8, 1966.

On the roll call the vote was yeas 8—Bicknell, Blythe, DeMarcus, Dempsey, Floyd, Johnson, Kessinger, Sartin. Nays 69—Allen, Arnett, Ballenger, Barber, Bartley, Bates, Blume, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Clapp, Cox, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Majors, Martin, McBrayer, McCowan, McNamara, C. R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Jr., Riddle, Roberts, Russell, Secrest, Short, Siemens, Smith, Smothers, Straney, Tucker, Vanover, Warders, Watkins, Webster, Wells, Whitlock, Young.

The motion to adjourn was defeated.

Representative John Y. Brown moved that the Rules be suspended. Agreed.

## Orders of the Day

**HB 111** taken from Orders of the Day and ordered read at

length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage.

On the roll call the vote was yeas 76—Allen, Arnett, Ballenger, Barber, Bates, Bicknell, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clark, Cox, Criscillis, Denham, Eicher, Floyd, Hale, Hardin, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Murphy, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sheehan, Short, Siemens, Smith, Smothers, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, White, Whitlock, Wright, Young. Nays 4—Dempsey, Leeds, Maddox, Riddle.

Agreed by a majority of members elected.

Representative Blume offered the following Amendment No. 1 to **HB 111** and moved its adoption.

Amend printed copy of House Bill No. 111 on page 1, line 12, by: striking the word "twelve" and substituting therefor the word "sixteen."

On the roll call the vote was yeas 35—Ball, Ballenger, Barber, Bicknell, Billings, Blume, Bondurant, Brady, Buky, Carroll, Chaudoin, Clapp, Hale, Harris, Hinkle, Irick, Isler, Johnson, King, Lassiter, McNamara, John D. Miller, Morgan, Murphy, Ostertag, Overman, Sartin, Secrest, Sheehan, Smith, Vanover, Warders, Watkins, Wells, Wheeler. Nays 46—Allen, Arnett, Bartley, Bates, Blythe, Bourne, Archie Brown, John Y. Brown, Caldwell, Chapman, Clark, Criscillis, Eicher, Floyd, Hardin, Harper, Henry, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Jones, Jordan, Keene, Kelly, Kessinger, Leeds, McBrayer, McCowan, C. R. Miller, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Siemens, Straney, Stuart, Tucker, Webster, White, Whitlock, Wright, Young.

The motion to adopt Amendment No. 1 to **HB 111** was rejected.

Reprsentative Blume offered the following Amendment No. 2 to **HB 111** and moved its adoption.

Amend printed copy of House Bill No. 111 on page 4, lines 3 and 4, by: striking Section 2 and substituting therefor the following sections:

Section 2. Subsection (7) of KRS 341.030 is amended to read as follows:

(7) "Wages" does not, for the purposes of KRS 341.260 to 341.290, include that part of remuneration which, after wages equal to *forty-eight hundred* [three thousand] dollars have been paid to a worker by a subject employer with respect to covered employment during any calendar year, is paid to such worker by such subject employer with respect to covered employment during such calendar year; except that if the term "wages" as defined in the Federal Unemployment Tax Act is amended to include remuneration in excess of three thousand dollars, "wages" for the purpose of this chapter shall include remuneration with respect to covered employment up to an amount equal to the amount specified in such Federal Unemployment Tax Act, as amended. For the purpose of this subsection wages paid to a worker by a predecessor subject employer shall be considered as having been paid by its successor.

Section 3. Section 1 of this Act shall become effective on and after July 1, 1966, and Section 2 of this Act shall become effective on and after January 1, 1967.

On the roll call the vote was yeas 10—Blume, Brady, King, Lassiter, McNamara, John D. Miller, Murphy, Secrest, Smith, Vanover. Nays 71—Allen, Arnett, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Archie Brown, E. G. Brown, John Y. Brown, Caldwell, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin,, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Jones, Jordan, Keene, Kelly, Leeds, Maddox, McBrayer, McCowan, McIntyre, Clarence R. Miller, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Jr., Riddle, Roberts, Russell, Sartin, Short, Siemens, Smothers, Straney, Stuart, Tucker, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young.

The motion to adopt Amendment No. 2 to **HB 111** was rejected.

Representative Pettit offered the following Amendment No. 3 to **HB 111** and moved its adoption.

Amend printed copy of House Bill 111 on page 3, line 18, by: deleting "one-half" and inserting in lieu thereof "Fifty-five percent of eighty-five percent."

On the roll call the vote was yeas 45—Ballenger, Barber, Bartley, Bicknell, Billings, Blythe, Bondurant, Archie Brown, Caldwell, Chapman, Clapp, Clark, DeMarcus, Denham, Eicher, Floyd, Hardin, Henry, Hinkle, Hislope, Hoe, Hoffman, Howard P. Hunt, Jr., Kessinger, Leeds, Maddox, Majors, McBrayer, McCowan, McNamara, Osborn, Peace, Pettit, Riddle, Russell, Secrest, Smith, Stuart, Tucker, Warders, Watkins, Wheeler,White, Whitlock, Wright. Nays 46—Allen, Arnett, Ball, Bates, Blume, Bourne, Brady, E. G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chaudoin, Cox, Dempsey, Hale, Hopkins, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, McIntyre, C. R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peniston, Pile, W. J. Reynolds, Jr., Roberts, Sartin, Sheehan, Short, Siemens, Straney, Vanover, Webster, Wells, Young.

The motion to adopt Amendment No. 3 to **HB 111** was rejected.

Representative Stuart offered the following Amendment No. 4 to **HB 111** and moved its adoption.

Amend printed copy of House Bill No. 111 on page 4, by adding the following after line 4.

"Section 3. The Legislature Research Commission is hereby directed to conduct a study of the requirements for eligibility to receive unemployment compensation and the Commission shall report its findings and recommendations for improvement and any changes in eligibility requirements to the 1968 General Assembly."

The Speaker ruled Amendment No. 4 not germane to **HB 111.**

Representative John Y. Brown moved the Previous Question on **HB 111.**

On the roll call the vote was yeas 42—Allen, Arnett, Bates, Billings, Blume, John Y. Brown, Carroll, Chapman, Chaudoin, Cox, Eicher, Hale, Harris, Henry, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jordan, Keene, Kelly, King, Lassiter, Majors, Martin, McBrayer, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peniston, Pile, Roberts, Sheehan, Smith, Straney, Watkins, Webster, Wells, Young. Nays 37—Ball, Bartley, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, Criscillis, Dempsey, Floyd, Harper, Hinkle, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, McNamara, Osborn, Peace, Pettit, Riddle, Russell, Sartin, Secrest, Short, Smothers, Stuart, Vanover, Warders, Wheeler, White, Wright.

The motion on the Previous Question was adopted.

Representative McCowan moved that **HB 111** be laid on the table.

On the roll call the vote was yeas 19—Bartley, Bicknell, Blythe, Archie Brown, Caldwell, Clark, Dempsey, Eicher, Hislope, Hoe, James E. Hunt, Kessinger, Maddox, McCowan, Russell, Secrest, Smothers, Stuart, White. Nays 66—Allen, Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, Brady, E. G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Majors, Martin, McBrayer, McIntyre, McNamara, C. R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Jr., Riddle, Roberts, Sartin, Sheehan, Siemens, Smith, Straney, Tucker, Vanover, Webster, Wells, Whitlock.

The motion that **HB 111** be laid on the table was rejected.

On the roll call the vote was yeas 68—Allen, Arnett, Ball, Ballenger, Bates, Billings, Blume, Bourne, Brady, Edward G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, Floyd, Hale, Hardin, Harris, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Majors, Martin, McBrayer, McIntyre, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell

Reynolds, W. J. Reynolds, Riddle, Roberts, Sartin, Sheehan, Short, Siemens, Smith, Straney, Vanover, Wallace, Warders, Watkins, Webster, Wells, Whitlock, Young. Nays 24—Barber, Bartley, Bicknell, Blythe, Bondurant, Archie Brown, Caldwell, Clark, Dempsey, Harper, Henry, Hislope, Hoe, Kessinger, Maddox, McCowan, Peace, Russell, Secrest, Smothers, Stuart, Tucker, Wheeler, Wright.

**HB 111** was passed and the title agreed to.

Representative Stuart moved that the vote by which **HB 111** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., Tuesday, February 8, 1966.

On the roll call the vote was yeas 35—Allen, Barber, Blume, Bondurant, Edward G. Brown, John Y. Brown, Chapman, Chaudoin, Clapp, Cox, Denham, Hardin, Henry, Hopkins, Howard P. Hunt, Jr., Irick, Kelly, King, Maddox, Majors, Clarence R. Miller, John D. Miller, Murphy, Overman, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Sartin, Sheehan, Smothers, Watkins, Webster, Whitlock, Young. Nays 31—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Floyd, Hale, Hinkle, Hislope, Hoe, Johnson, Jones, Kessinger, McBrayer, McCowan, Pettit, Riddle, Russell, Short, Stuart, Warders, Wheeler, White, Wright.

The motion to adjourn was adopted.

## TUESDAY, FEBRUARY 8, 1966

## TWENTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Herman M. Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives Harris, Morgan and Osborn.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 7, 1966, be dispensed with and the same approved. Agreed.

### Motions, Petitions, and Communications

**HR 55,** by Representative Straney: A RESOLUTION relating to the safety and security of the personal effects of the members of the House of Representatives.

Representative Straney moved the adoption of **HR 55.**

The Speaker referred **HR 55** to the Committee on Committees.

**HR 54,** by Representative Warders: A RESOLUTION congratulating the basketball team and coaching staff of Central High School of Louisville, Kentucky.

WHEREAS, the basketball team of Central High School of Louisville won the Louisville Invitational Basketball Tournament in a game played on January 29, 1966; and

WHEREAS, the basketball team of Central High School of Louisville was rated the number one team in the Commonwealth of Kentucky by Litkenhous; and

WHEREAS, this achievement was made possible because of the team effort on the part of each player and each member of the coaching staff, and

WHEREAS, this victory reflects credit upon the players, their parents, coaches, school and community;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives of the General Assembly of the Commonwealth of Kentucky extends its congratulations to the basketball team and coaching staff of Central High School of Louisville.

Section 2. That the clerk of the House of Representatives transmit a copy of this resolution to each player and coach of Central High School of Louisville.

Representative Warders moved the adoption of **HR 54.** Agreed.

Representative James E. Hunt announced had he been present, he would have voted "yea" on the passage of **HB 104.**

**Recess**

Representative Pettit moved that the House recess for 45 minutes for Committee meetings. Agreed.

Committee Chairmen called the following meetings:

County Government—Room 401. Adjournment.

Legislative Affairs—Room 402. Recess.

Labor—Room 404. Recess.

Public Health—Room 403. Recess.

Education—Speaker's Reception Room. Recess.

Election—Room 401. Adjournment.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Clapp moved that **HB 159** be taken from Committee and given its first reading.

On the roll call the vote was yeas 29—Ball, Bicknell, Billings, Blythe, Brady, Bruce, Caldwell, Clapp, Clark, DeMarcus, Dempsey, Eicher, Floyd, Hislope, James E. Hunt, Jones, Kessinger, Lassiter, Maddox, McCowan, Peace, Riddle, Russell, Sartin, Secrest, Short, Straney, Wheeler. Nays 34—Allen, Arnett, Ballenger, Bates, Bourne, Chapman, Criscillis, Denham, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Irick, Johnson, Keene, Kelly, King, Leeds, McBrayer, John D. Miller, Murphy, Ostertag, Overman, Peniston, Pile, W. J. Reynolds, Jr., Roberts, Smith, Smothers, Tucker, Webster, Whitlock.

The motion that **HB 159** be taken from Committee and given its first reading was rejected.

## Report of Committees

The Committee on Classification of Cities reported **HB 19** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 19,** AN ACT changing the classification of the City of Springfield, in Washington County, from the fifth class to the fourth class.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Springfield, in Washington County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Springfield, in Washington County, is transferred from the fifth to the fourth class of cities.

The Committee on Public Health reported **HB 165** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 165,** AN ACT relating to medicolegal services.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. In enacting legislation establishing a medicolegal service program for the Commonwealth of Kentucky it is not the intention of the General Assembly to abolish or interfere with the coroner in his role as as constitutionally elected peace officer. It is the intention of the General Assembly for the medicolegal service program to aid, assist and complement the coroner in the performance of his duties by providing medical assistance to him in determining causes of death.

Section 2. As used in this Act:

(1) "Board" means the State Board of Health;

(2) "Department" means the State Department of Health;

(3) "Medicolegal section" means the Medicolegal Services and Post-Mortem Examination Section of the State Department of Health.

Section 3. There is hereby created within the State Department of Health a Medicolegal Services and Post-Mortem Examination Section. The medicolegal section shall, within budgetary limitations, provide medical assistance to coroners in investigating deaths; provide or contract for laboratory facilities for performing autopsies and investigations pursuant to this Act; provide for the keeping of reports of all investigations and examinations; and provide such other functions and duties as may be specified in this Act or in the rules and regulations of the State Board of Health.

Section 4. An Advisory Commission is hereby established to act in a general advisory capacity to the Medicolegal Services and Post-Mortem Examination Section. The Commissioner of Health and the Commissioner of Public Safety shall be ex officio members of the Advisory Commission. The Commissioner of Health shall appoint five additional members for terms of four years each or until their successors are appointed and qualify. Members of the Advisory Commission shall receive no compensation for their services but shall be repaid their actual expenses incurred in attending meetings.

Section 5. The medicolegal section shall be headed by a

chief medicolegal officer appointed by the Commissioner of Health and staffed with such other personnel as may be necessary to carry out the provisions of this Act. The chief medicolegal officer shall be a physician licensed to practice medicine in Kentucky who has had a minimum of two years post-graduate training in pathology.

Section 6. The State Department of Health may establish or contract for a central office and laboratory and such district offices and laboratories as deemed necessary, having adequate professional and technical personnel and physical facilities for the conduct of post-mortem and other necessary examinations. The department may employ, by contract or otherwise, pathologists and toxicologists to perform autopsies and such other pathological, chemical and other studies and examinations as may be deemed necessary. The department may also employ such other professional specialists by contract or otherwise as may be necessary in certain cases. Such studies and examinations may be performed in another state if deemed to be in the best interests of the Commonwealth by the chief or deputy medicolegal officer, and the reports thereof shall have the same validity and admissibility in evidence as those performed within this state when duly certified by the medicolegal section of the department.

Section 7. The department may employ physicians licensed to practice medicine in Kentucky as county or district medicolegal officers to carry out the provisions of this Act within the counties or district to which they are assigned by the medicolegal section. The department may designate county health officers as county or district medicolegal officers and may authorize additional compensation therefor.

Section 8. The coroner shall notify without delay the county or district medicolegal officer of all deaths within his jurisdiction concerning which it is his duty under KRS 72.030 to investigate. If circumstances warrant, the medicolegal officer shall proceed to the scene of death and investigate with the coroner. The medicolegal officer shall be responsible for the accuracy of the medical information on the death certificate and both the coroner and the medicolegal officer shall sign it.

Section 9. In any case of death which the coroner is required by KRS 72.030 to investigate, the chief, deputy chief, district or county medicolegal officer may order an exhumation or autopsy in conjunction with the coroner or singly with the same authority. Copies of all investigations, exhumations and autopsies shall be filled with the medicolegal section. Notwithstanding the provisions of KRS 72.090, autopsies and other examination services performed pursuant to this Act may be without charge if budgetary limitations so permit but in the event budgetary limitations are deemed to be inadequate, the board may, by regulation, adopt a reasonable schedule of fees and charges for autopsies and other services to be paid for by the county concerned out of the county treasury.

Section 10. The State Board of Health shall adopt rules and regulations to carry out the provisions of this Act.

Section 11. (1) Reports of investigations, examinations and autopsies made pursuant to this Act or transcripts or copies thereof certified by the chief or deputy chief medicolegal officer or any district or county medicolegal officer shall be admissible in evidence in any court of this state.

(2) The board is authorized to establish a schedule of fees for issuing duplicate records of investigations, examinations, autopsies and other records; provided however, that one copy shall be provided free of charge to either the city, county or commonwealth attorney concerned.

Section 12. Where a duly elected coroner is a physician licensed to practice medicine in Kentucky, he may be authorized by the department to perform the duties of a medicolegal officer and may be compensated by the department therefor.

Sestion 13. Fees collected pursuant to this Act shall be deposited in the State Treasury and credited to a trust and agency fund to help defray the cost of carrying out the provisions of this Act.

Section 14. Anyone participating in good faith pursuant to this Act or the rules and regulations of the board shall have immunity from any civil liability that might otherwise be incurred or imposed.

Section 15. Subsection (2) of Section 72.080 of the Kentucky Revised Statutes is repealed.

The Committee on Public Health reported **HB 164** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 164,** AN ACT relating to testing infants for inborn errors of metabolism.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The administrative officer or other person in charge of each institution caring for infants twenty-eight days or less of age and the person required in pursuance of the provisions of KRS 213.050(1) shall register the birth of a child, and cause to have administered to every such infant or child in its or his care a test for inborn errors of metabolism in accordance with rules or regulations prescribed by the Commissioner of Health. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by the Commissioner of Health.

The Committee on Committees named Representative Paul E. Young to the Committee on Elections.

## Orders of the Day

**HB 9** with Committee amendment, taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved the adoption of the Committee Amendment No. 1 to **HB 9.** Agreed.

Representative DeMarcus offered the following Amendment No. 2 to **HB 9** and moved its adoption.

Amend printed copy of HB 9 on page 2, line 5 by: deleting "five" and inserting in lieu thereof "three".

On the roll call the vote was yeas 17—Allen, Bates, Blythe, Bondurant, Bourne, John Y. Brown, Carroll, DeMarcus, Denham,

Henry, Hinkle, Howard P. Hunt, Jr., Peniston, Pettit, Riddle, Roberts, Webster. Nays 73—Arnett, Ball, Ballenger, Bicknell, Billings, Blume, Brady, Archie Brown, E. G. Brown, Bruce, Buky, Caldwell, Chapman, Clapp, Clark, Cox, Criscillis, Dempsey, Eicher, Floyd, Hale, Hislope, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Ostertag, Overman, Peace, Pile, W. J. Reynolds, Jr., Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Wells, Wheeler, White, Whitlock, Wright, Young.

The motion to adopt amendment No. 2 to **HB 9** was rejected.

On the roll call the vote was yeas 93—Allen, Arnett, Ball, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 9** as amended was passed and the title agreed to.

Representative DeMarcus moved that the vote by which **HB 9** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **SR 22** had been examined and found correctly enrolled. **SR 22** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**Senate Message**

Announcing passage of **SB 64.**

Representative DeMarcus moved to suspend the Rules to make a motion. Agreed.

Representative DeMarcus moved that the House resolve itself into Committee of the Whole.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., Wednesday, February 9, 1966.

On the roll call the vote was yeas 46—Allen, Arnett, Barber, Bates, Blume, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Carroll, Chapman, Cox, Criscillis, Denham, Floyd, Hale, Henry, Hinkle, Hoffman, Hopkins, Howard, P. Hunt, Jr., Irick, Isler, Jordan, Keene, Leeds, Maddox, McBrayer, McNamara, John D. Miller, Murphy, Ostertag, Overman, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sheehan, Smith, Smothers, Tucker, Watkins, Webster, Whitlock, Young. Nays 36—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Bruce, Buky, Caldwell, DeMarcus, Dempsey, Eicher, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kelly, Kessinger, McCowan, Peace, Pettit, Riddle, Russell, Sartin, Secrest, Short, Straney, Stuart, Vanover, Wallace, Warders, Wheeler, White, Wright.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 9, 1966

## THIRTIETH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Herman M. Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives Blythe, Leeds, C. R. Miller, Russell Reynolds and Sartin.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of February 8, 1966, be dispensed with and the same approved. Agreed.

### Recess

Representative Peniston moved that the House recess for fifteen minutes for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Motions, Petitions, and Communications

Representative Morgan moved that the House Rules be amended as follows:

Amend printed copy of House Rules on pages 2 and 3: by amending Rule 4 to read:

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and Approval of the Journal.
4. Introduction and Report of Bills and Resolutions Introduced.
5. Report of Reference of Bills to Committees.
6. Motions, Petitions, Simple Resolutions and Communications.

7. Report of Committees.
8. First Reading of Bills.
9. Second Reading of Bills.
10. Orders of the Day.
11. Announcements.
12. Adjournment.

Representative John Y. Brown moved the Previous Question on the adoption of the amendment to the House Rules.

On the roll call the vote was yeas 52—Allen, Arnett, Barber, Bates, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Carroll, Chapman, Chaudoin, Cox, Criscillis, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Irick, Isler, Jordan, Keene, King, Lassiter, Leeds, Majors, Martin, McBrayer, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Sheehan, Smothers, Straney, Tucker, Watkins, Webster, Wells, Whitlock, Young. Nays 28—Ball, Ballenger, Bicknell, Brady, Buky, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, Hopkins, James E. Hunt, Jones, Kessinger, Riddle, Russell, Sartin, Short, Stuart, Vanover, Wallace, Warders, Wheeler, Wright.

The motion on the Previous Question was adopted.

On the roll call the vote was yeas 67—Allen, Arnett, Ballenger, Barber, Bates, Blume, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Sheehan, Siemens, Smothers, Straney, Stuart, Tucker, Warders, Watkins, Webster, Wells, Whitlock, Young. Nays 25—Ball, Bartley, Bicknell, Brady, Buky, Caldwell, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hoe, James E. Hunt, Johnson, Kessinger, Riddle, Russell, Sartin, Secrest, Short, Vanover, Wallace, Wheeler, White, Wright.

The amendment to the House Rules was adopted.

Representative Johnson moved that the House adjourn until 1:00 p.m., February 10, 1966.

On the roll call the vote was yeas 6—DeMarcus, Dempsey, Kessinger, Pile, Sartin, Wallace. Nays 65—Allen, Arnett, Ballenger, Barber, Bates, Blume, Bondurant, Bourne, E. G. Brown, John Y. Brown, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Denham, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, W. J. Reynolds, Riddle, Roberts, Russell, Sheehan, Smothers, Straney, Tucker, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright.

The motion to adjourn was rejected.

## Introduction of Bills and Resolutions

**HB 228,** by Representatives Osborn and Pettit: AN ACT relating to crime and punishment.

**HB 229,** by Representative Blume: AN ACT relating to horse racing.

**HB 230,** by Representatives Blume, C. R. Miller, Siemens, Eicher and Chaudoin: AN ACT relating to salaries and compensations of the Firemen and Policemen in Cities of the First Class.

**HB 231,** by Representative Billings: AN ACT relating to auditing of cities of the fifth and sixth classes.

**HB 232,** by Representative Billings: AN ACT relating to elections.

**HB 233,** by Representative Barber: AN ACT relating to hairdressers and cosmetologists.

**HB 234,** by Representatives Straney, Murphy, Jordan and Martin: AN ACT relating to fire prevention.

**HB 235,** by Representatives Jordan, Straney, Murphy and Martin: AN ACT relating to fire department aid.

**HB 236,** by Representative Watkins: AN ACT relating to oil and gas conservation.

**HB 237,** by Representative Riddle: AN ACT relating to sales and use taxes.

**HB 238,** by Representatives Osborn, E. G. Brown, Harris, Barber, Dempsey, Leeds, Watkins, McBrayer, Allen, Lassiter, Arnett, Archie Brown, Clapp, Tucker, Wallace, Jordan, Cox, Morgan, McCallum, Pile, Hale, DeMarcus, Secrest, Vanover, Russell, Wright, Warders, White, Sartin, Hopkins, Hinkle, Clark, Criscillis, Chaudoin, Wells, Denham, Hoffman, C. R. Miller, Siemens, Irick, Buky, Peniston, Short, Bates, Kessinger, McIntyre, Martin, Majors, Chapman, Straney, McNamara, Billings, Bourne and Young. AN ACT relating to higher education.

**HB 239,** by Representative Osborn: AN ACT relating to compensation of State Tuberculosis Hospital Commission personnel.

**HB 240,** by Representatives Pettit, Ball and Osborn: AN ACT relating to county fire department merit systems.

**HB 241,** by Representatives McBrayer and Hoffman: AN ACT declaring it a crime to make, possess, or transfer a device, or plans therefor, designed for the commission of a theft of telecommunication service or to conceal from any telecommunication company the place of origin or destination of any telecommunication; authorizing the issuance of search warrants to seize such devices and for other purposes.

**HB 242,** by Representatives McBrayer and Hoffman: AN ACT to amend Section 434.510(2) of the Kentucky Revised Statutes, dealing with the offense of obtaining telephone or telegraph service by false or fraudulent means.

**HB 243,** by Representatives Secrest, Wallace, Pile, Arnett, Vanover, Kessinger, Johnson, W. J. Reynolds, Chaudoin, Hislope, Buky, Clapp, McIntyre, Floyd, Webster, Tucker, Bates, Keene, Howard Hunt, Chapman, Dempsey, McCowan and Peace: AN ACT relating to hunting and fishing.

**HB 244,** by Representative Russell Reynolds: AN ACT relating to dairy products marketing.

**HB 245**, by Representatives Whitlock, Chaudoin, Howard, Hunt, Morgan, Roberts and Stuart: AN ACT relating to insurance.

**HB 246**, by Representative Hopkins: AN ACT relating to termination of mineral rights.

**HB 247**, by Representative Isler: AN ACT relating to inheritance tax.

**HB 248**, by Representative Denham: AN ACT relating to reemployment of public employees performing Military Duty.

**HB 249**, by Representative Denham: AN ACT relating to the State Police Retirement System.

**HB 250**, by Representative Denham: AN ACT relating to the County Employes Retirement System.

**HB 251**, by Representatives Denham and Smothers: AN ACT relating to the Kentucky Employes Retirement System.

**HB 252**, by Representative Hinkle: AN ACT relating to education.

**HB 253**, by Representative Hinkle: AN ACT relating to registration and purgation of voters.

**HB 254**, by Representatives Pettit and Ball: AN ACT relating to trial commissioners for the county court.

**HB 255**, by Representative Pettit: AN ACT relating to private corporations.

**HB 256**, by Representatives Pettit, Osborn, Blume, Chapman, and Blythe AN ACT relating to motor vehicle inspection.

**HB 257**, by Representative John Y. Brown: AN ACT relating to water pollution.

**HB 258**, by Representative John Y. Brown: AN ACT relating to the courts and the interpretation of instruments conveying mineral rights.

**HB 259**, by Representatives John Y. Brown, Pettit, Kelly, Bourne, Henry, Pile, McBrayer, Straney, Keene, Hoffman, Bates, Ball, White, Allen, Hale, Leeds, Bartley, Hinkle, Bruce and Watkins: AN ACT to provide for the control of air pollution.

**HB 260,** by Representatives John Y. Brown, Kelly, Jordan, Carroll, Billings, Cox, Majors, Harper, Bourne, Henry, Pile, Ball, McBrayer, Straney, Keene, Hoffman, Bates, White, Allen, Leeds, Hale, Bartley, Hinkle, Bruce, McNamara and Watkins: AN ACT relating to the conservation, development and wise use of the water, soil, forest and other natural resources of the Commonwealth.

**HB 261,** by Representatives Russell, Ball, Stuart and Harper: AN ACT relating to cities of the sixth class.

**HB 262,** by Representatives W. J. Reynolds and Bondurant: AN ACT relating to service of process on non-residents of Kentucky and residents outside the state.

**HB 263,** by Representatives Harper and Isler: AN ACT relating to the commitment of incompetent persons.

**HB 264,** by Representative Sheehan: AN ACT relating to group insurers.

**HB 265,** by Representatives Harper and Isler: AN ACT relating to arrest.

**HB 266,** by Representatives Murphy, Ostertag and Overman: AN ACT relating to a state sweepstakes.

**HB 267,** by Representatives Murphy, Ostertag and Overman: AN ACT proposing an amendment to Section 226 of the Constitution of the Commonwealth of Kentucky relative to lotteries and gift enterprises.

**HB 268,** by Representatives Tucker, Hoe, Vanover, Cox, Pile, Straney and C. R. Miller: AN ACT relating to pharmacists, pharmacies, and drug manufacturers and wholesalers.

**HB 269,** by Representatives Wright, Russell, James E. Hunt, Watkins, Murphy, Straney, Arnett, Bicknell, Harper, McIntyre, Short, McCowan, Wallace, DeMarcus, Wheeler, Clark, White, Smothers, Dempsey, Isler, Kelly, Sartin, Secrest, Keene, Hoe, Floyd, Pile, Ball, McNamara, Hislope, Peace, Kessinger, Whitlock, Barber, Overman, Carroll, E. G. Brown, C. R. Miller, Ballenger, Archie Brown, Buky, Vanover, Riddle, Blythe, Caldwell, Eicher, Billings, Leeds, Sheehan, Ostertag, Henry, Clapp, Brady, Jones,

and Warders. AN ACT relating to the merger of school districts in counties containing a city of the first class.

**HB 270,** by Representatives Riddle, Eicher, Caldwell, Brady, Russell and Wright: AN ACT relating to capital punishment providing for life without parole as additional punishment to that already provided by law.

**HB 271,** by Representatives Howard Hunt, Whitlock, Blume, Chapman and Carroll: AN ACT relating to the dissolution of City, County and Regional Libraries.

**HB 272,** by Representatives Wheeler, Ball, Leeds, Short, Harper, Russell and Wright: AN ACT relating to annexation.

**HB 273,** by Representatives Eicher, Warders, King, Buky, Siemens, Wright and Blume. AN ACT relating to teachers.

**HB 274,** by Representatives James E. Hunt, Dempsey, Brady, Ball, Wallace, Wright, Bicknell, Arnett, W. J. Reynolds, Secrest, Wheeler, Clark, Archie Brown, Buky, Hislope, McIntyre, McCowan, Short and Sartin: AN ACT relating to free medical treatment and care for children with chronic illnesses.

**HB 275,** by Representative Pettit: AN ACT amending and revising the statutes containing a reference to age of majority or minors in order to supplement KRS 2.015.

**HB 276,** by Representatives Lassiter, Maddox, James E. Hunt, Peace, McCowan, Dempsey, Bicknell and Clapp: AN ACT relating to the appropriation of state funds.

**HB 277,** by Representatives James E. Hunt, Brady, Ball, McCowan, DeMarcus, Wright, Bicknell, Dempsey, Wallace, Clark, Peace, Secrest, McIntyre and Caldwell: AN ACT relating to the compensation of jurors and election officials.

**HB 278,** by Representatives James E. Hunt, Arnett, Secrest, Brady, Wheeler, Hoe, Wright, W. J. Reynolds, McIntyre, Hinkle, Archie Brown, Dempsey, Sartin and White: AN ACT relating to teachers.

**HB 279,** by Representative Lassiter: AN ACT relating to revenue and taxation.

**HB 280,** by Representative John Y. Brown: AN ACT relating

to the examination, certification, and licensing of operators of water treatment plants, water distribution systems, and sewage treatment plants.

**HB 281,** by Representative Isler: AN ACT relating to garbage and refuse, its collection and disposal.

**HB 282,** by Representatives King, Isler and Harper: AN ACT relating to juries.

**HB 283,** by Representative Dempsey: AN ACT relating to the construction of septic tanks.

**HB 284,** by Representatives Stuart, Morgan, Wright, Chaudoin, Whitlock and Roberts: AN ACT relating to insurance.

**HB 285,** by Representatives Isler and Harper: AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class or second class and in cities of the sixth class located in counties containing cities of the first class or second class.

**HB 286,** by Representatives Vanover, Warders, Brady, Eicher, Buky, Wright, Blythe, Russell, Johnson, Ballenger, Riddle, Caldwell, Stuart and Jones: AN ACT providing for the conduct of hearings by Juvenile Courts.

**HB 287,** by Representatives Bicknell, Blume, Dempsey, Chapman and Archie Brown: AN ACT limiting the number of railroad cars, length of trains, and providing penalties.

**HB 288,** by Representatives Bicknell, Blume, Dempsey, Chapman and Archie Brown: AN ACT relating to Railroad Safety for Employees and Public.

**HB 289,** by Representative Morgan: AN ACT relating to jailer's fees.

**HB 290,** by Representative Carroll: AN ACT relating to venue and change of venue in civil actions.

**HB 291,** by Representatives Stuart, James E. Hunt, Caldwell, Eicher, Warders, Ballenger, McBrayer, Russell, Hoffman, John D. Miller, Blume, Wright, Vanover, Brady, Harper and Watkins: AN ACT relating to exemption of property from seizure under legal process.

**HB 292,** by Representatives Stuart, James E. Hunt, McBrayer, Watkins, Caldwell, Brady, Eicher, Warders, Ballenger, Russell, King, Siemens, Hoffman, John D. Miller, Blume, Wright, Vanover and Harper: AN ACT relating to garnishment proceedings.

**HB 293,** by Representatives McCowan and Archie Brown: AN ACT relating to automobile auctions.

**HB 294,** by Representatives McCowan, Archie Brown and Peace: AN ACT relating to the school fund.

**HB 295,** by Representative Sheehan: AN ACT relating to primary elections in cities of the second class.

**HB 296,** by Representative Sheehan: AN ACT relating to elections for city offices in cities of the fourth class.

**HB 297,** by Representative Russell Reynolds: AN ACT relating to alcoholic beverages.

**HB 298,** by Representatives Bruce and Morgan: AN ACT relating to probation and parole.

**HB 299,** by Representatives Sheehan and Isler: AN ACT relating to county court trial commissioners.

**HB 300,** by Representative Smothers: AN ACT relating to insurance.

**HB 301,** by Representatives Bondurant, Cox and Watkins: AN ACT relating to the practice of Land Surveying; providing for the examination, licensing and registration of land surveyors; establishing standards and procedures for disciplinary actions, and imposing penalties for violations thereof; amending certain sections of Kentucky Revised Statutes, Chapter 322, and creating six new sections thereof.

**HB 302,** by Representatives Stuart, Harper, Martin, Jones and Eicher: AN ACT relating to school districts.

**HB 303,** by Representative Pettit: AN ACT relating to the practice of architecture.

**HR 56,** by Representatives Short, Carroll, Hopkins, Henry, Bates, Dempsey, James E. Hunt, Hislope, Buky, Bicknell, Cald-

well, McIntyre, Secrest, McCowan, Clark, Wheeler, Clapp, DeMarcus, Leeds, Roberts, Criscillis, Hoe, Ostertag and Sartin. A CONCURRENT RESOLUTION requesting University of Kentucky and Spindletop Research Center to conduct study and experimentation to develop American Chestnut tree resistant to blight.

**HR 58,** by Representative White: A CONCURRENT RESOLUTION requesting the establishment of a Community College in Clay County.

**HR 60,** by Representative Young: A RESOLUTION authorizing the payment of the claim of E. B. Williams, Clerk of the Logan Circuit Court, for services in inquests of persons alleged to be feeble minded, lunatics or pauper idiots.

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

Agriculture: **HB 227.**

Appropriations: **HB 202, HR 47.**

Banks and Banking: **HB 177, HB 215.**

Classification of Cities: **HB 183, HB 219.**

Constitutional Amendments: **HB 224.**

County Government: **HB 218.**

Criminal Law: **HB 182, HB 205, HB 214, HB 225, HB 226.**

Courts and Legal Procedure: **HB 174, HB 188, HB 194, HR 46.**

Elections: **HB 223, HB 184.**

Governmental Affairs: **HB 178, HB 208, HB 209, HB 210, HB 212, HB 213.**

Insurance: **HB 203, HB 217.**

Judiciary and Judicial Council: **HR 42.**

Kentucky Statutes # 1: **HR 43, HR 41.**

Kentucky Statutes # 2: **HB 180, HB 187, HB 191.**

Kentucky Statutes # 3: **HB 195, HB 204, HB 216.**

Motor Transportation: **HB 173, HB 176, HB 179, HB 181, HB 185, HB 189, HB 190, HB 198, HB 220.**

Municipalities: **HB 196, HB 199, HB 201, HB 221, HB 222.**

Public Health: **HB 197.**

Public Utilities: **HB 206.**

Regulation of Intoxicating Liquors: **HB 186, HB 200.**

Revenue and Taxation: **HB 175, HB 192, HB 193, HR 48.**

Roads and Highways: **HR 49.**

Ways and Means: **HB 207, HB 211.**

## Motions, Petitions, and Communications

**HR 53,** by Representative Denham: A RESOLUTION commending Commissioner Henry Ward and the Department of Highways maintenance crews for their snow removal work.

WHEREAS, near record snowfalls made the Commonwealth's highways impassable and brought the business and economy of the state to a virtual standstill; and

WHEREAS, the maintenance crews of the Department of Highways, working around the clock, cleared the highways in a very short period of time, saving untold amounts of money, and time of the citizens of the Commonwealth;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives hereby goes on record in commending the Department of Highways maintenance crews for their unselfish devotion to the task of making the highways of the Commonwealth safe and passable and Commissioner Ward for the general efficiency of the entire Department during the snow removal operations.

Section 2. That the Chief Clerk of the House transmit copies of this resolution to the Department of Highways for dissemination to the employees of that Department.

Representative Denham moved the adoption of **HR 53.**

On the roll call the vote was yeas 71—Allen, Ball, Barber, Bartley, Bates, Bicknell, Blume, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Floyd, Hale, Harper, Harris, Henry, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Ostertag, Peace, Peniston, Pettit, Riddle, Russell, Sartin, Sheehan, Siemens, Stuart, Tucker, Vanover, Warders, Webster, Wells, Wheeler, White, Wright. Nays 0.

**HR 53** was adopted and the title agreed to.

## Senate Message

Announcing passage of **SR 13** and **SR 15.**

**HR 57,** by Representative Hale: A RESOLUTION commemorating Abraham Lincoln.

WHEREAS, this House will not meet on Saturday, February 12, 1966; and

WHEREAS, that date is the birthday of Abraham Lincoln, a son of Kentucky and sixteenth President of the United States; and

WHEREAS, Abraham Lincoln served his country well in peace and in war and is a giant among the great men of our Commonwealth and our nation, his works and his words serving as an inspiration to us all;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when this House adjourns on Friday, February 11, 1966, it do so in honor of the memory of Abraham Lincoln.

Representative Hale moved the adoption of **HR 57.** Agreed.

**HR 59,** by Representative Edward G. Brown: A RESOLUTION directing the Legislative Research Commission together with the Departments of Health and Education to conduct a study of the advisability of the teaching of the seriousness of alcoholism in the public schools.

WHEREAS, alcoholism is a serious illness; and

WHEREAS, the number of persons who are alcoholics has been increasing in recent years; and

WHEREAS, it is very important that the youth be advised of the seriousness of alcoholism to the physical and mental well-being of the individual and to society as a whole; and

WHEREAS, young people are very impressionable and there is good reason to believe that the teaching of the seriousness of alcoholism at an early age would have beneficial results;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission together with the Department of Health and the Department of Education is directed to conduct a study of the advisability of the teaching of the seriousness of alcoholism in the public schools.

Section 2. That the Legislative Research Commission report its findings together with those of the Department of Health and the Department of Education to the 1968 regular session of the General Assembly.

Representative E. G. Brown moved the adoption of **HR 59.** Agreed.

**HR 61,** by Representative Morgan: A RESOLUTION congratulating Reidland High School, McCracken County, on its recent selection by the U. S. Office of Education as the site of the U.S.A.'s first Agricultural Demonstration Center.

WHEREAS, Reidland High School, McCracken County, was

recently selected by the U. S. Office of Education as the site of the U.S.A.'s first Agricultural Demonstration Center; and

WHEREAS, the Center will be used to demonstrate the procedures and techniques used in providing training for farm youth in nonfarm agricultural occupations; and

WHEREAS, the program will combine classroom instruction with supervised work experience in such areas as agricultural mathematics, human relations, store skills, salesmanship selling, soil testing, and agricultural chemicals; and

WHEREAS, it is quite an honor for Reidland High School to be chosen as the stie of the U.S.A.'s first such center; and

WHEREAS, R. L. Winebarger, Reidland Principal, has pointed out that this addition to the curriculum is filling in a definite need in McCracken County and is also providing a blueprint for similar programs in other states;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives hereby extends congratulations to Reidland High School, McCracken County, on its recent selection by the U. S. Office of Education as the site of the U.S.A.'s first Agricultural Demonstration Center.

Section 2. That a copy of this resolution be sent to R. L. Winebarger, Principal of the Reidland High School.

Representative Morgan moved the adoption of **HR 61.** Agreed.

## Report of Committees

The Committee on County Government reported **HB 72, HB 84, HB 103, HB 107, HB 172 and HB 218** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 72,** AN ACT relating to Compensation of County Attorneys.

WHEREAS, since the adoption of Section 246 of the Constitution, the consumer price index has increased, and

WHEREAS, considering the increase in the consumer price index and the additional duties imposed upon the county attorneys, the compensation of the county attorneys based upon the salary limitation fixed by Section 246 of the Constitution is inadequate, and

WHEREAS, in enacting legislation increasing the compensation of county attorneys, it is the intention of the General Assembly to equate the salary of the county attorney with the purchasing power of the dollar of 1949, when Section 246 of the Constitution was adopted, and to compensate county attorneys for the additional duties imposed upon them, and

WHEREAS, in 1964 five other county officers were given increases in salary by legislative enactment,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 69.005 is amended to read:

The county court clerk, circuit clerk, county judge, sheriff, *county attorney,* and jailer of each county shall receive an annual salary of $9,600 to be paid solely out of the statutory fees and salaries received by him during the calendar year.

Section 2. KRS 64.530 is amended to read:

(1) Except as provided in subsections (2) and (3) of this section, the fiscal court of each county shall fix the compensation of every county officer and employee except the officers named in KRS 69.005. *The county attorney of each county shall receive a reasonable annual salary to be fixed by the fiscal court. In addition to such salary, the county attorney shall also be entitled to the statutory fees of his office, provided his annual salary as fixed by the fiscal court plus the fees of his office shall not exceed $9,600.* For the purposes of this section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the

peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employees, but employees of county boards or commissions which are now authorized by law to fix the compensation of their employees shall not be deemed to be county employees for the purposes of this section. In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 69.005 may receive, from both sources, and also shall have authority to fix the number of deputies and assistants, and the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. In the case of county officers elected by popular vote, the compensation of any such officer, and of his deputies and assistants, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by the law in force and effect on November 1, 1949. In the case of county officers elected by popular vote, for terms commencing after June 30, 1950, the annual compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which such officers are elected, and shall not be changed during the term. *On or before August 1, 1966, the fiscal court shall fix the salary provided herein for county attorneys for the term commencing in January, 1966, notwithstanding any other provisions of this section which may be inconsistent herewith.*

(2) Nothing in this section shall apply to county tax commissioners or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(3) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed fifteen dollars per day for each day of actual attendance of the meetings of the fiscal court. The fiscal court shall fix the amount to be received within the above

limit, but with the exception of the terms that are being served on June 30, 1950, no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first, second, third or fourth class shall continue to be limited as provided in subsections (1), (2), (3) and (4) of KRS 67.110, and nothing in KRS 64.480 to 64.760 is intended to authorize any change in such compensation during the term of any member. County commissioners or justices of the peace shall not receive any compensation for their services on the fiscal court, other than as provided in this section or subsections (1), (2), (3) and (4) of KRS 67.110, nor shall they receive any compensation for serving on committees of the fiscal court.

(4) Circuit court clerks in counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for circuit court clerks of this Commonwealth, provided fees or funds for this purpose are sufficient. The first deputy shall be allowed to receive a salary not to exceed $6,600 per year; the second deputy shall be allowed to receive a salary not to exceed $5,400 per year and other deputies shall be allowed to receive a salary not to exceed $4,800 per year. Each circuit clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

**HB 84,** AN ACT relating to bonding of county judges and justices of the peace.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 25.130 of the Kentucky Revised Statutes is amended to read as follows:

The county judge shall execute bond before the circuit clerk of the county, with good sureties approved by the clerk. The bond shall also be examined and approved by the circuit judge, and the fact entered on the record of the circuit court. The bond shall be filed in the office of the county clerk, who shall enter on the order book of the county court the names of the sureties and the fact that the bond was approved. *Premiums on the bond*

*of the county judge may be paid from county funds when appropriated by the fiscal court.* The circuit judge may require additional surety or a new bond when necessary.

Section 2. Section 25.650 of the Kentucky Revised Statutes is amended to read as follows:

Each justice shall execute a bond with good sureties approved by the county judge. The bond shall be for at least five thousand dollars. The bond shall be filed and recorded in the county clerk's office, and an entry made upon the order book of the county court showing that the bond was executed and approved, and giving the names of the sureties. *The premiums on the bond of the justice may be paid from county funds when appropriated by the fiscal court.* The county judge may at any time require a new bond or additional surety on the old one.

**HB 103**, AN ACT relating to the appointment of a curator.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Whenever any person deems himself unfit by reason of advanced age or physical disability and weakness to properly and prudently manage or care for his real or personal property or manage his business with prudence and understanding, the county court may, upon his verified petition without notice or public hearing, appoint a curator to assume charge and management of his real or personal property or business, subject to the direction of the court.

Section 2. The court shall take bond with good surety from the person appointed curator for the full and faithful performance of the trust confided in him.

**HB 107**, AN ACT relating to payment of expenses of sheriffs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 70.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each sheriff performing the duties required under the

provisions of KRS 70.150 and 70.160 shall be allowed an amount not exceeding *$2400* [$1500] annually for such services. The exact amount shall be determined at the rate of *ten* [seven] cents per mile for the mileage actually travelled, such mileage to be determined by the Department of Finance from affidavits and other proof required to be submitted, and shall be paid out of the State Treasury.

(2) *Notwithstanding the provisions of KRS 64.560, the* [The] allowance authorized in subsection (1) of this section shall be considered as operating expenses of the sheriff's office and shall not be considered as part of his compensation.

**HB 172**, AN ACT relating to county employees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 78.455 is amended to read:

In all cases provided for in KRS 78.445 and 78.450, the action of the chief or of the board shall be final except in the following cases:

*(1)* Every action in the nature of a dismissal, suspension, reduction or fine made by the chief, shall be subject to review by the board at the request of any officer or employe affected by KRS 78.400 to 78.460, and in any case where the board, after investigation, is of the opinion that the disciplinary action taken by the chief was brought about or influenced by reason of political activity or religious belief, or any improper or unjustified prejudice, then the board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the board are of the opinion that the action of the chief is unjustified or unsupported by proper evidence, then the order of the chief may be set aside and revoked by the board and the board may impose such penalty or punishment as it may deem necessary and appropriate. The board may, after investigation, increase any disciplinary action taken by the chief where such additional action is justified in the opinion of a majority of the members of the board.

*(2) (a) Every action in the nature of a dismissal, suspension, reduction or fine made by the Board shall be final, except*

*that any person aggrieved thereby may, within twenty days after the rendition of such action, appeal to the circuit court of the county in which the Board meets. The Board shall be named respondent as the County Police Force Merit Board, and service shall be had on the Chairman thereof. The appeal taken to the circuit court shall be docketed by the clerk thereof as a civil action and shall be tried anew, as if no action had been rendered by the Board.*

*(b) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The procedure as to appeal to the Court of Appeals shall be the same as in civil action.*

**HB 218,** AN ACT relating to costs and expenses in County Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 25.330 is amended to read:

(1) The Commissioner of Finance shall determine the amount that is present in the fund on the last days of the months of September, December, March and June. Payments shall be made quarterly to county judges in an amount determined as provided in this section.

(2) Except as provided in paragraph (b) of subsection (3) of this section, the maximum expense allowance is *$375* [$300] per quarter-year.

(3) (a) If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount less than *$375* [$300], then that amount shall be paid.

(b) If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount as much as or more than *$375* [$300,] then *$375* [$300] shall be paid, except that:

1. if the amount is more than *$375* [$300], and

2. if the total amount previously paid to each judge during the fiscal year is less than *$375* [$300] times the number of previous payments, then the payment shall be in an amount not larger than is necessary to make the total amount paid

during the fiscal year equal to *$375* [$300] times the number of payments.

(4) In no case shall a county judge receive more than *$1500* [$1,200] in one fiscal year.

Section 2. KRS 453.030 is amended to read:

In a misdemeanor case before a county judge, the judge shall, if the accused is convicted, tax as costs *$7.00* [$5.50]. The judge shall each month pay into the county treasury $4.50 of each levy of costs so collected, with an itemized statement, verified by him, showing the persons from whom the costs were received. The judge shall pay *$2.50* [$1.00] of each levy of costs so collected into the state treasury in a manner prescribed by the Commissioner of Finance.

The Committee on Agriculture reported **HR 25** and **HB 53** with Committee Substitute attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 25,** A JOINT RESOLUTION directing the Legislative Research Commission to study food marketing from the farmer to the consumer, with emphasis on protection of the farmer's interest.

WHEREAS, the prices paid by consumers for food products is high; and

WHEREAS, the farmer receives a comparatively small amount of profit on food products;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Legislative Research Commission is directed to make a comprehensive study of food marketing from the farmer to the consumer, with emphasis on protection of the farmer's interest.

**HB 53,** AN ACT relating to meat products.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. All meat which has been imported into the United States of America and offered for sale in this Commonwealth shall be clearly and plainly designated as imported meat on the label of the package. As used herein the term "meat" means only red meat, red meat products and all red meat produced in a foreign country but processed in the United States but does not include canned meat which is appropriately processed before canning.

Section 2. No person shall keep and offer for sale or serve at a public eating place, unlabeled meat as defined in Section 1, which has been imported into the United States.

Section 3. Any business or firm or retailer convicted of violating Sections 1 or 2 shall be fined not less than ten nor more than one-hundred dollars. Each sale shall constitute a separate offense.

Section 4. Whereas, there is a great quantity of meat imported into the United States and sold within the state of Kentucky and it is impossible to identify the origin or quality of such meats, an emergency is declared to exist and this Act become effective upon its passage and approval by the Governor.

**Committee Substitute to HB 53,** AN ACT relating to meat products.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. All meat which has been imported into the United States of America and offered for sale in this Commonwealth shall be clearly and plainly designated as imported meat on the label of the package. As used herein the term "meat" means only red meat, red meat products and all read meat produced in a foreign country but processed in the United States but does not include canned meat which is appropriately processed before canning.

Section 2. No person shall keep and offer for sale or serve at a public eating place, unlabeled meat as defined in Section 1, which has been imported into the United States. Every wholesaler selling to a person who keeps and offers for sale unlabeled

meat shall inform the retailer of the fact that the meat is meat as defined in Section 1. The failure of such wholesaler to inform a person who keeps and offers for sale, at retail, unlabeled meat shall exonerate such retailer from the provisions of Section 3.

Section 3. Any wholesaler or business or firm or retailer convicted of violating Sections 1 or 2 shall be fined not less than ten nor more than one hundred dollars. Each sale shall constitute a separate offense.

## Calendar

**HB 19, HB 164** and **HB 165** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Senate Message

Announcing passage of **SB 24, SB 26, SB 57, SB 53, SB 62** and **SB 82.**

## Announcements

The Committee Chairmen announced the following meetings:

Legislative Affairs—Room 401. 11:00 a.m.

Courts and Legal Procedures—Room 403. Adjournment.

Judiciary—Room 403. Adjournment.

Classification of Cities—Room 400. 11:00 a.m.

Governmental Affairs—Room 401. 11:00 a.m.

Elections—Room 403. 11:00 a.m.

Higher Education—Room 401. Noon.

Kentucky Statutes # 3—Room 401. Adjournment.

Public Health—Room 403. 11:00 a.m.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., Thursday, February 10, 1966.

On the roll call the vote was yeas 50—Arnett, Ballenger, Barber, Bates, Blume, Bondurant, Brady, John Y. Brown, Buky, Caldwell, Chapman, Chaudoin, Clapp, Clark, Criscillis, Denham, Floyd, Hinkle, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Jones, Jordan, Keene, Lassiter, Leeds, Maddox, Martin, McIntyre, John D. Miller, Osborn, Peniston, Pettit, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Short, Smothers, Straney, Tucker, Vanover, Warders, Webster, Wells, White, Wright. Nays 5—Bicknell, Dempsey, King, Murphy, Wheeler.

The motion to adjourn was adopted.

## THURSDAY, FEBRUARY 10, 1966

## THIRTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Herman M. Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives Kelly, Wheeler and Young.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 9, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 304,** by Representatives Caldwell, Brady, Wallace, James E. Hunt, McCowan, Peace, Clark, Hoe, Harper, DeMarcus, Dempsey, Ball, Sartin, Clark, Hislope, Short, Vanover, Russell, Riddle, Peace, McIntyre, Sartin, Archie Brown, Jones, Wheeler, Stuart and Bicknell: AN ACT relating to revenue and taxation.

**HB 305,** by Representatives Overman and Murphy: AN ACT relating to motor vehicle operators' licenses.

**HB 306,** by Representatives Siemens, Criscillis, King, Eicher, Stuart, Brady, Sartin and Johnson: AN ACT relating to smoking on school premises.

**HB 307,** by Representatives Pettit and Watkins: AN ACT relating to compensation of master commissioners and receivers.

**HB 308,** by Representative W. J. Reynolds: AN ACT relating to reapportionment of counties into justices districts.

**HB 309,** by Representative Isler: AN ACT relating to revenue and taxation.

**HB 310,** by Representative Isler: AN ACT relating to an appropriation from the General Expenditure Fund.

**HB 311,** by Representatives Clapp, Arnett, Hislope, Maddox,

Lassiter, Martin, James E. Hunt, McCowan, Peace and Straney: AN ACT relating to aid to dependent children.

**HB 312,** by Representative John D. Miller: AN ACT relating to non-commercial dog kennels.

**HB 313,** by Representative Murphy: AN ACT relating to group and blanket disability insurance coverage.

**HB 314,** by Representative Dempsey: AN ACT relating to court reporters.

**HB 315,** by Representative Murphy: AN ACT relating to disability insurance coverage.

**HR 62,** by Representatives Caldwell, Brady, Hislope, Archie Brown, Short, Secrest, Stuart, Bicknell, Hoe, DeMarcus, Harper, Ball, Sartin, Vanover, Russell, Peace, Floyd, Clark, McIntyre, Riddle, Jones, McCowan, Dempsey and Wallace: A RESOLUTION relating to administrative rules and regulations.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture: **HB 244.**

Appropriations: **HR 60, HB 235.**

Conservation: **HB 257, HB 258, HB 259, HB 260.**

Constitutional Amendments: **HB 267.**

County Government: **HB 234, HB 240, HB 250.**

Courts and Legal Procedure: **HB 254, HB 255, HB 256, HB 262, HB 263.**

Criminal Law: **HB 228, HB 241, HB 242, HB 265, HB 270.**

Education: **HB 252, HB 269.**

Elections: **HB 232, HB 253.**

Fish and Game: **HB 243.**

Forestry: **HR 56.**

Governmental Affairs: **HB 249, HB 251.**

Higher Education: **HR 58, HB 238.**

Insurance: **HB 245, HB 264.**

Kentucky Statutes # 2: **HR 55.**

Labor: **HB 229.**

Mines and Minerals: **HB 246.**

Municipalities: **HB 230, HB 231, HB 261.**

Oil and Petroleum: **HB 236.**

Public Health: **HB 233, HB 239, HB 268.**

Revenue and Taxation: **HB 237, HB 247.**

Veterans and Military Affairs: **HB 248.**

Ways and Means: **HB 266.**

### Senate Message

Announcing passage of **SB 41, SB 73** and **SB 86.**

### Recess

Representative John Y. Brown moved that the House recess for 45 minutes for Committee meetings. Agreed.

The Committee Chairmen called the following meetings:

Higher Education—Room 401. Recess.

Education—Speaker's Reception Room. Recess.

Conservation—Room 403. 1:30 p.m.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Motions, Petitions, and Communications

Representative DeMarcus moved that **HB 186** be taken from the Committee on Regulation of Intoxicating Liquors.

On the roll call the vote was yeas 37—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, Bruce, Buky, Caldwell, Clark, DeMarcus, Denham, Floyd, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, Kessinger, McCowan, Osborn, Pettit, Riddle, Russell, Sartin, Secrest, Short, Smith, Straney, Stuart, Vanover, Wallace, Warders, Webster, Wells, Wright. Nays 25—Bartley, Bates, E. G. Brown, Chapman, Chaudoin, Clapp, Cox, Criscillis, Hoffman, Irick, Isler, Keene, King, Maddox, McBrayer, Clarence R. Miller, John D. Miller, Murphy, Ostertag, Overman, Peniston, Roberts, Smothers, Tucker, Watkins.

The motion that **HB 186** be taken from the Committee on Regulation of Intoxicating Liquors was rejected.

**HR 63,** by Representatives Hislope and Ball: A RESOLUTION in memory, honor and tribute to Abraham Lincoln.

WHEREAS, February 12 is the date of Abraham Lincoln's birthday and Kentucky is the place where he was born and this year, nineteen hundred sixty-six is the one hundred fifty-seventh anniversary of his birth; and

WHEREAS, Abraham Lincoln was born to poverty in a bare lonely cabin in a dark wilderness far removed from the culture and opportunities of the world and never had the chance to attend schools or institutions of learning; and

WHEREAS, the soul of Lincoln was a restless soul. He was close to and was stimulated by the glory of Nature, he was responsive to the impulse of the high wind, the still darkness of night and the glory of early morning time; and

WHEREAS, he split rails at daytime and dreamed dreams at night, read Poor Richard's Almanac, the Holy Bible; and

WHEREAS, Lincoln was devoid of the will to hate and was endowed with a capacity to love with a love that was more than love, he was meek and humble, his soul was filled with compassion and humility. He espoused to the belief of what was fair, equitable and right, the omnipotence of the All Mighty and the dignity and freedom of all men; and

WHEREAS, Lincoln was his own tutor and teacher. He cultivated his mind until it became a gem of many sparkling

facets. His mind orbited the constellations of knowledge, military science, pure science, philosophy, metaphysics, calculus and other realms of learning; and

WHEREAS, because of his ability, his knowledge, his wisdom, and his honesty, he was elected sixteenth president of the United States of America, freed men not free, and preserved the Union; and

WHEREAS, Lincoln will never need his image on a postage stamp, his inscription on coins, or statutes, obelisk shafts, to perpetuate his memory, because as long as time shall last his memory will remain in the heart of freedom loving men; and

WHEREAS, it is believed that after eons of millenniums and great segments of time have passed, and kingdoms have risen and fallen and nations have come forth and faded into oblivion, and as long as man inhabits the earth that the name of Abraham Lincoln will be remembered;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the General Assembly adjourns on this day, February 11, 1966, they do so in memory, respect, and tribute to Abraham Lincoln.

Representative Hislope moved the adoption of **HR 63.** Agreed.

Representative Caldwell moved that the House resolve itself into a Committee of the Whole to consider **HB 186.**

On the roll call the vote was yeas 28—Ball, Ballenger, Bicknell, Blythe, Brady, Buky, Caldwell, DeMarcus, Harper, Hislope, Hoe, James E. Hunt, Johnson, Jones, McCowan, Osborn, Peace, Riddle, Russell, Sartin, Secrest, Short, Stuart, Vanover, Wallace, Warders, White, Wright. Nays 57—Allen, Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Clapp, Cox, Criscillis, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jordan, Keene, King, Lassiter, Leeds, Maddox, Majors, McBrayer, McNamara, Clarence R. Miller, John D.

Miller, Morgan, Murphy, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Jr., Roberts, Sheehan, Siemens, Smith, Smothers, Straney, Tucker, Watkins, Webster, Wells.

The motion that the House resolves itself into a Committee of the Whole to consider **HB 186** was rejected.

## Report of Committees

The Committee on Conservation reported **HB 257, HB 259,** and **HB 260** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 257, AN ACT relating to water pollution.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 220.600 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) For the purpose of carrying out the provisions of KRS 220.580 to 220.650, there is hereby created in the Department of Health a Water Pollution Control Commission.

(2) The commision shall consist of the Commissioner of Health, the Commissioner of *Natural Resources* [Conservation], the Attorney General, the Commissioner of the Department of Fish and Wildlife Resources, the Director of Strip Mining and Reclamation, the Chief of the Department of Mines and Minerals, the *Commissioner of Commerce,* and three citizens of the Commonwealth, to be appointed for terms of four years each by the Governor. Two of said citizen members shall be selected from groups representative of municipalities, and one from groups representative of industrial management. Vacancies shall be filled for the unexpired portion of any term in the same manner as an original appointment. Each of the officers of the Commonwealth hereby made a member of the commission may, by written order filed with the secretary of the commission, designate a deputy or other representative in his department to serve in his

stead and to perform his duties as a member of the commission in his absence. Such designation shall be deemed temporary only and shall not affect the merit system or retirement rights of any person so designated.

(3) No salary or other compensation shall be allowed any member of the commission but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(4) The commission shall select one of its members as chairman and another member as vice chairman at its first regular meeting in each calendar year. The Commissioner of Health shall be the secretary of the commision, and may employ an executive director and such technical and other personnel as may be required in order to carry out the provisions of KRS 220.580 to 220.650 and the policies of the commission, and may define their powers and duties and fix their compensation. During the interim between meetings, the Commissioner of Health may perform in the name of the commission such functions and duties and may exercise such authority of the commission as the commission may delegate to him, or he may delegate such functions, duties, and authority to the executive director.

[(5) Technical, scientific, legal or other services required by the commission shall be furnished insofar as practicable, by the Department of Health, the Department of Conservation, the Director of Strip Mining and Reclamation, the Attorney General, the Department of Fish and Wildlife Resources, the Department of Mines and Minerals, and other state departments, without additional compensation. The commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory or other agency when it is deemed necessary or beneficial by the commission to carry out the provisions of KRS 220.580 to 220.650. The Department of Fish and Wildlife Resources is authorized, out of its receipts, to make contributions to the commission for its program.]

*(5) The commission may employ, compensate and prescribe the powers and duties of such officers, employees, and consultants, in accordance with the laws of this Commonwealth, as may be necessary to carry out the provisions of this Act subject*

*to the approval of the Governor as required in Chapter 12 of the Kentucky Revised Statutes.*

(6) The commission shall hold regular meetings at least once in every two months, the time and place of which shall be determined by the commission. Special meetings may be called by the chairman or by three members of the commission by delivery to the office of each member of the commission of a written notice thereof at least five days in advance of the date of any such meeting. Five members of the commission shall constitute a quorum at any meeting. The commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all its proceedings.

Section 2. Section 220.620 of the Kentucky Revised Statutes is hereby amended to read as follows:

The Water Pollution Control Commission, hereby designated as water pollution agency for this state for all purposes of the Water Pollution Control Act, Public Law 845, 80th Congress (62 Stat. 1155) approved June 30, 1948, hereinafter called the Federal Act, is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of that Act. In carrying out the purposes of this section, the commission, in addition to any other action which may be necessary or appropriate, is authorized.

(1) To cooperate with the Surgeon General of the U. S. Public Health Service and other agencies of the Federal Government, other states, interstate agencies and other interested parties in all matters relating to water pollution, including the development of programs for eliminating or reducing pollution and improving the sanitary condition of waters.

(2) On behalf of this state to apply for and receive funds made available to the commission under the aforesaid Federal Act by any agency of the Federal Government, *or from any other source, public or private:* Provided, that all moneys received from any Federal agency as herein provided shall be paid into the State Treasury and shall be expended, under the direction of the commission, solely for the purpose or purposes for which the grant or grants shall have been made.

(3) To approve projects for which application for loans or grants under the Federal Act, *or from any other source,* is made by any municipality (including any city, town, district or other public body created by or pursuant to the laws of this state and having jurisdiction over disposal of sewage, industrial wastes or other wastes) or agency of this state or by an interstate agency.

(4) To participate through its authorized representatives in proceedings under the Federal Act to recommend measures for abatement of water pollution originating in this state; to give consent on behalf of this state to requests by the Federal Security Administrator to the Attorney General of the United States for bringing of suit for abatement of such pollution; and to consent to the joinder as a defendant in such suit of any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought in such suit.

Section 3. Section 220.640 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Public hearings shall be conducted by the commission prior to the adoption of any rules or regulations of general applicability which pertain to the prevention, abatement or control of water pollution, including the establishment of standards of water quality. [, or before the issuance by the commission of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of any rules, regulations, permits or orders of the commission or in contravention of any provision of KRS 220.580 to 220.650, or before the denial, revocation or modification of any permit provided for by KRS 220.580 to 220.650 or before any other final determination is made by the commission which directly affects the activities of any person or group.] *Before the issuance by the commission of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of the provisions of KRS 220.580 to 220.650 or rules, regulations, permits, or orders of the commission or before the denial, revocation or modification of any permit the commission shall provide the person affected with the opportunity to appear before the commission or its duly authorized representative to show cause why the contemplated action of the commission should not be taken. The commission shall fix*

*by regulation the procedure for notification and appearance. Where the initial hearing was before a representative of the commission, any interested party shall be entitled to appear before the full commission to present argument covering the recommendations of the hearing officer.*

(2) The commission shall grant a hearing to any person not previously heard in connection with the issuance of any order or the making of any determination who may consider himself aggrieved by such order or determination and who shall file with the commission a verified petition alleging that such order or determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and requesting a hearing thereon. At such hearing the petitioner may appear in person or by attorney, may present witnesses and may submit evidence, and shall be given full opportunity to be heard upon the grounds and reasons for his complaint. *Provided, however, that such person's right to request said hearing shall be limited to a period of thirty (30) days after he has had actual notice of the commission's order or determination, or could reasonably have had such notice.*

(3) The hearings provided for in this section may be conducted by the commission at a regular or special meeting thereof, or may be conducted by hearing officers appointed by the director of the commission from a list of persons approved by the commission. Such hearings shall be conducted in the name of the commission at any time and place specified by the commission. Said hearing officers shall be paid on a per diem basis in accordance with rules and regulations of the commission. [er.]

(4) At any such hearing any member of the commission may administer oaths, examine witnesses and issue in the name of the commission notices of hearings and subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing.

(5) In the event of a refusal of any person to obey a notice of hearing or a subpoena issued under this section, the circuit court of the county in which the hearing is being held shall, upon application of the commission, or of any member thereof, issue an order requiring such person to appear and testify or produce such

evidence as the case may require, and failure to obey such order of the court may be punished by said court as a contempt thereof.

(6) All orders of determinations of the commission shall be subject to review by a court of competent jurisdiction.

Section 4. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

If, during the interim between meetings, the executive director finds that an emergency exists and requires immediate action to protect the public health or welfare, the commission or director may without notice or hearing, and after written notification to the Governor, issue an order reciting the existence of such an emergency and require that such action be taken as the commission or director deems necessary to meet the emergency. Notwithstanding the provisions of KRS 220.640 such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but upon application to the commission shall be afforded a hearing as soon as possible. On the basis of such hearing the commission shall continue such order in effect, revoke it, or modify it.

Section 5. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil, criminal, and injunctive actions instituted by the commission or by the Attorney General on its behalf for the enforcement of the provisions of KRS 220.580 to 220.650 and the orders, rules, and regulations of the commission promulgated pursuant thereto.

Section 6. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

Where the injury, death, or destruction of fish or other wildlife results from pollution as defined in KRS 220.580 or from any violation of the orders, rules, regulations, or other determinations of the Commission, the person responsible therefor shall be liable to the Commonwealth in an amount reasonably necessary to restock or replenish such fish or wildlife. The Commonwealth

shall, in addition to the penalties provided for in KRS 220.990, be empowered to seek the recovery of such damages in any court of competent jurisdiction in this Commonwealth in the event the person responsible fails or refuses to pay for the restocking or replenishing of such fish or wildlife in the water or area affected.

Section 7. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

All monies collected by the commission, or the attorney General on its behalf, under the provisions of KRS 220.580 to 220.990 shall be paid into the State Treasury and credited to a trust and agency fund to be used by the commission in carrying out the provisions of this chapter. No part of this fund shall revert to the general fund of the Commonwealth.

**HB 259,** AN ACT to provide for the control of air pollution.

WHEREAS, it is necessary to the health and welfare of the citizens of Kentucky that there be maintained at all times both now and in the future a reasonable degree of purity of the air resources of this Commonwealth consistent with maximum employment and full industrial development necessary for the protection of the public health, the general welfare, and the property and people in this Commonwealth; and foster the comfort and convenience of its inhabitants and facilitate the enjoyment of the natural attractions of the State.

WHEREAS, to accomplish this purpose it is necessary to create an Air Pollution Control Commission to perform the functions necessary to this purpose; and to provide a comprehensive program in the public interest for the prevention, abatement, and control of air pollution; and

WHEREAS, to further accomplish this purpose the State Department of Health should be granted powers with respect to technical assistance and cooperation both to the Commission and other groups in the field of air pollution;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Kentucky State Department of Health;

(2) "Commission" means the Kentucky Air Pollution Control Commission;

(3) "Member" means a member of the Commission;

(4) "Person" or "Persons" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or other entity whatsoever;

(5) "District" means an air pollution control district as provided for in Chapter 77 of the Kentucky Revised Statutes;

(6) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life or property;

(7) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or any combination thereof;

(8) "Air contaminant source" is any and all sources of emission of air contaminants, whether privately or publicly owned or operated. (Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles, and all stack and other chimney cutlets from any of the foregoing.)

Section 2. (1) There is hereby created in the Department of Health, a Kentucky State Air Pollution Control Commission which shall consist of five governmental members and six public members appointed for terms of four years each by the Governor.

(2) (*a*) The governmental members shall be the Commissioner of Health, the Commissioner of Commerce, the Attorney General, the Commissioner of Natural Resources, and the Commissioner of Agriculture.

(*b*) Of the six public members, one shall be a member of the general public. Of the remaining five members, three members shall be representative of industry and shall be experienced and competent in matters of air pollution control. At least one of the three members shall be a licensed Professional Engineer, trained and experienced in matters of air pollution control. The two remaining members shall be (a) representative of an air pollution control district, (as created and defined in Chapter 77 of the Kentucky Revised Statutes), and (b) a representative from the University of Kentucky, College of Engineering, experienced and competent in matters of air pollution control.

(*c*) Vacancies shall be filled for the unexpired portion of any term in the same manner as an original appointment. Each of the officers of the Commonwealth hereby made a member of the Commission may, by written order filed with the secretary of the Commission, designate a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the Commission in his absence.

(3) No salary or other compensation shall be allowed any member of the Commission for services as such member but each member may be reimbursed for actual and necessary expenses incurred in the performance of its official duties.

(4) The Commission shall select one of its members as chairman and another as vice chairman at its first regular meeting in each calendar year. The Chief Engineer of the State Department of Health shall be the Executive Secretary of the Commission. The Commissioner of Health may employ an executive director and such technical and other personnel as may be required in order to carry out the provisions of this Act and the

policies of the Commission, and may define their powers and duties and fix their compensation. The Executive Secretary may perform in the name of the Commission such functions and duties and may exercise such authority of the Commission as the Commission may delegate to him, or he may delegate such functions, duties, and authority to the executive director.

(5) The Commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the Commission to carry out the provisions of this Act.

(6) The commission shall hold regular meetings at least once in every three months, the time and place of which shall be determined by the Commission. Special meetings may be called by the chairman or by three members of the Commission by delivery to the office of each member of the Commission of a written notice thereof at least five days in advance of the date of any such meeting. Seven members of the Commission shall constitute a quorum at any meeting. The Commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all its proceedings.

Section 3. The Air Pollution Control Commission is hereby authorized to take all action necessary or appropriate to secure to this State the benefits of any existing or future Acts of the United States Congress and to carry out the administration and directives of such Acts. In carrying out the purposes of this section, the Commission, in addition to any other action that may be necessary or appropriate, is authorized:

(1) To co-operate with the United States Public Health Services and other agencies of the federal government, other states, inter-state agencies, municipalities within the Commonwealth and other interested parties in all matters relating to air pollution.

(2) On behalf of this Commonwealth to apply for and receive such funds as are now or may be available to the Commission under the aforesaid existing or future federal legislation from any agency of the federal government: provided, that all monies received from any federal agency as herein provided shall

be paid into the State Treasury and shall be expended, under the direction of the Commission, solely for the purpose or purposes for which such federal monies have been made available.

(3) To review and make recommendations, and to establish priorities as may be appropriate for all projects for which application for loans or grants under the aforesaid federal legislation is made by any municipality or any agency, subagency, or subdivision of government existing now or hereafter created in this State.

(4) To accept and administer loans and grants from other sources, public or private, for the carrying out of any of the functions here set forth, which loans and grants shall not be expended for other than the purposes for which provided.

Section 4. In addition to any other powers vested in it by law the Commission shall have power to:

(1) Issue, amend, and repeal rules and regulations consistent with this Act.

(2) Hold hearings, relating to any aspect of or matter in the administration of this Act, and in connection therewith, compel the attendance of witnesses and the production of evidence.

(3) Issue such orders as may be necessary to effectuate the purposes of this Act and enforce the same by all appropriate administrative and judicial proceedings.

(4) Require the maintenance and availability of records relating to operations which may cause or contribute to air pollution.

(5) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this state.

(7) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(8) Advise, consult, and cooperate with other agencies of

the state, subdivisions, industries, other states, interstate, interlocal agencies, and with interested persons or groups.

(9) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the Federal Government for the purpose of carrying out any of the functions of this Act. Such funds received by the Commission pursuant to this Section shall be deposited in the state treasury to the account of the Commission.

(10) To establish, modify, or amend after public hearings, ambient air standards, and emission standards of various air pollutants from any source whatsoever for the purpose of this Act.

(*a.*) Except as otherwise provided in or pursuant to this Act, such levels, concentrations, or quantities shall be controlling throughout the state and no emission in excess of the emission standards shall be lawful.

(*b.*) In any area where the concentration of air pollution sources or of population, or of where the nature of the economy or of land and its uses so require, the Commission may fix more stringent requirements governing the emission of air pollutants than those in effect pursuant to subsection (a) of this Section.

(11) To adopt, after hearing, such general rules and regulations pertaining to the prevention, abatement and control of existing or threatened pollution as the Commission may deem necessary to the accomplishment of the purposes of this Act.

(12) To adopt, without hearing, rules and regulations with respect to the procedural aspects of hearings, the filing of reports and orders, the issuance of permits and all other matters not specifically requiring public hearing.

Section 5. It shall be unlawful for any person, directly or indirectly, to emit into or discharge into the air under the jurisdiction of the Commonwealth, or to cause, permit, or allow to be emitted or discharged into such air any air contaminants as provided for in Section 1 (7) of this Act that shall cause or contribute to the pollution of the air of the Commonwealth in contravention of the emission standards or the ambient air standards adopted by the Commission, or in contravention of any of the

Rules, Regulations, or Orders of the Commission, or in contravention of any of the provisions of this Act.

Section 6. The Commission in fixing Standards shall give due recognition to the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere. It shall take into consideration in this connection such factors, among others, found by it to be proper and just, existing physical conditions, public benefit and the relationship between the intensity and composition of air pollution and the health of the public and damage to or interference with enjoyment of property.

Section 7. Persons engaged in operations which the Commission finds may result in air pollution, shall if so required by regulation, register with the Commission and file with the Commission reports containing information as to location, size, and height of pollutant outlet, rata, duration, and composition of pollutant emission provided for by regulation pursuant to Section 4 (10) of this Act, and such other information as the Commission may require.

Section 8. (1) The Commission may, by regulation, prohibit the installation, alteration, or use of any machine, equipment, device or other article which it finds may cause or contribute to air pollution or is intended primarily to prevent or control the emission of air pollutants, unless a permit therefor has been obtained from the Commission.

(2) The Commission may require that applications for such permits shall be accompanied by plans, specifications, and such other information as the Commission deems necessary.

(3) The Commission, by rules and regulations, shall provide for the issuance, suspension, revocation, and renewal of any permits which it may require pursuant to this Section.

Section 9. Any duly authorized officer, employee, or representative of the Commission may enter and inspect any property, premise, or place at any reasonable time for the purpose of investigating either an actual or suspected source of air pollution or of ascertaining the state of compliance with this Act and

regulations enforced pursuant thereto. No person shall refuse entry or access to any authorized representative of the Commission who requests entry for purposes of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection.

Section 10. Any records or other information furnished to or obtained by the Commission concerning one or more air pollution sources, which records or information relate to processes or production unique to the owner or operator or which would tend to affect adversely the competitive position of such owner or operator, shall be only for the confidential use of the Commission and other departments, agencies and officers of the state government, unless such owner or operator shall expressly agree to their publication or availability to the general public. Nothing herein shall be construed to prevent the use of such records or information by any department, agency or officer of the state government in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: provided that such analyses or summaries do not identify, directly or indirectly, any owner or operator or reveal any information otherwise confidential under this Section.

Section 11. (1) Whenever the Commission has reason to believe that a violation of any provision of the Act or rule or regulation pursuant thereto has occurred it may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of the Act or rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may order that necessary corrective action be taken within a reasonable time. Any such order shall become final unless, no later than thirty (30) days after the date such order is served, the person named therein request in writing a hearing before the Commission. In lieu of such order, the Commission may require that the alleged violator or violators appear before the Commission for a hearing at a time and place specified in the notice and answer the charges complained of, or the Commission may initiate appropriate legal action pursuant to Section 17 of this Act.

(2) After such hearing, the Commission shall affirm,

modify, or rescind its order or issue an appropriate order or orders for the prevention, abatement, or control of the air pollution involved. Such orders shall prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the air pollution.

(3) Nothing in this Act shall prevent the Commission from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

Section 12. Notwithstanding the provisions of this Act or any other provisions of law, if the Executive Secretary or in his absence the Director finds that any person is causing or contributing to air pollution and that such pollution creates an emergency which requires immediate action to protect the public health or safety, he shall order with written notification to the Governor, such person to reduce or discontinue immediately the air pollution. Upon issuance of any such order the Executive Secretary or Director shall fix a place and time, not later than 24 hours thereafter, for a hearing to be held before the Commission. Not more than 24 hours after the conclusion of such hearing, and without adjournment thereof, the Commission shall affirm, modify, or set aside the order of the Director.

Section 13. (1) Any person who owns or is in control of any plant, building, structure, process or equipment may apply to the Commission for an exemption or partial exemption from rules or regulations that may be promulgated under this Act governing the quality, nature, duration, or extent of discharges of air pollutants. The application shall be accompanied by such information and data as the Commision may require. The Commission may grant such exemption or partial exemption if it finds that:

(a) The discharges occuring or proposed to occur do not constitute a danger to public health or safety; and,

(b) Compliance with the rules or regulations from which exemption is sought would produce serious hardship without equal or greater benefits to the public.

(2) No exemption or partial exemption shall be granted

pursuant to this Section except after public hearing on due notice and until the Commission has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) No exemption or partial exemption pursuant to this Section shall be granted for a period to exceed one year, but any such exemption or partial exemption may be renewed for like periods if no complaint is made to the Commission on account thereof or if, such complaint having been made and duly considered at a public hearing held by the Commission on due notice, the Commission finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty days prior to the expiration of the exemption or partial exemption. Immediately prior to application for renewal the applicant shall give public notice of such application in accordance with rules and regulations of the Commission. Any renewal pursuant to this subsection shall be on the same grounds and subject to the same limitations and requirements as provided in subsection (1) of this Section.

(4) An exemption, partial exemption, or renewal thereof shall not be a right of the applicant or holder thereof but shall be in the direction of the Commission. However, any person adversely affected by an exemption, partial exemption, or renewal granted by the Commission may obtain judicial review thereof by a proceeding in the Franklin Circuit Court.

(5) Nothing in this Section and no exemption, partial exemption, or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of Section 12 of this Act to any person or his property.

Section 14. (1) Each county which pursuant to the provisions of Chapter 77 of the Kentucky Revised Statutes has established or subsequent to the enactment of this Act will establish a local Air Pollution Control Program shall submit a synopsis of said Program together with such standards and procedures as are enacted by regulation to the State Department for approval within a period of ninety (90) days from the enactment hereof,

or a period of ninety (90) days of the establishment of said local Program.

(2) If, after review by the Commission it is determined that the county in question has established an Air Pollution Control Program meeting State regulatory standards in the area to which such program relates, and that such program will be administered in a manner consistent with the objectives of this Act, the jurisdiction for the purposes of this Act shall be ceded to the Administrative Agency for the local Program, provided, however, that the Commission may reassume said jurisdiction when after formal hearing it is determined that the local Program is not meeting the State Standards.

Section 15. The transcript of a hearing before the Commission and of the proceedings in reviewing courts shall not be available for use or reference in civil litigation to which the Commission is not a party, nor shall orders of the Commission or orders of courts reviewing Commission orders be admissible in civil litigation to which the Commission is not a party.

Section 16. (1) The hearing provided for in Section 10, of this Act may be conducted by the Commission at a regular or special meeting or may be conducted by a hearing officer appointed by the Commission to serve in its place. Such a hearing shall be conducted in the name of the Commission at any time or place specified by it. Said hearing officer may be a full-time employee, serve by contract, or paid upon a per diem basis in the discretion of the Commission.

(2) Appeals may be taken from all orders of the Commission. Such appeals shall be taken within thirty days from the rendition of such order to the Franklin Circuit Court or a County Circuit Court of a County affected by the order. The party or parties affected by the order shall file in the Circuit Court a petition which states fully the grounds upon which a review is sought and assign all errors relied on. The Commission shall be named respondent, and service shall be had on the Executive Secretary. Summons shall issue upon the petition directing the Commission to send its entire original record, properly bound, to the Clerk of the Circuit Court after certifying that such record

is its entire original record, which shall be filed by the Clerk of the Circiut Court and such record shall then become and be considered by the Circuit Court on the review. After the case has been properly docketed in the Circuit Court, any party directly affected by the issues on appeal, may, upon notice to the parties and upon proper showing and in the discretion of the Court, be permitted to intervene. Upon hearing of the appeal the findings of the Commission shall be prima facie evidence of the facts found therein. The Court shall review the entire record and the findings and order of the Commission and shall receive such new evidence as may be offered to it.

(3) Appeals to the Court of Appeals from orders of the Circuit Court, shall be taken in the manner provided in the Kentucky Rules of Civil Procedure.

Section 17. (1) Any person who willfully violates any of the provisions of this Act or who willfully fails to perform any duties imposed by those sections, or who willfully violates any determination or order of the Commission promulgated pursuant to Sections 4, 11, or 12 shall be liable to a civil penalty of not to exceed the sum of one thousand dollars for said violation, and an additional civil penalty of not to exceed one thousand dollars for each day during which such violation continues, and in addition, may be enjoined from continuing such violation as hereinafter provided in this Section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney-General.

(2) It shall be the duty of the Attorney-General, upon the request of the Commission, to bring an action for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of this Act or violating or threatening to violate any order or determination of the Commission promulgated pursuant to Sections 4, 11, or 12. On any such action any finding of the Commission shall be prima facie evidence of the fact or facts found therein.

(3) Any person who shall willfully violate any of the provisions of this Act or any determination or order of the Commission promulgated pursuant to those sections which has become

final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(4) The authority herein vested in the Attorney General, upon request of the Commission, to bring actions for injunctions for violations of this Act or of any regulation, or order issued thereunder, shall be exclusive. Nothing herein contained shall abridge the right of any person to recover actual compensatory damages resulting from any such violation.

**HB 260,** AN ACT relating to the conservation, development and wise use of the water, soil, forest and other natural resources of the Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART I

Section 1. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

As used in Part I of this Act, the words listed herein shall have the following respective meanings, unless another or different meaning or intent shall be clearly indicated by the context:

(1) The word "Authority" shall mean the Water Resources Authority of Kentucky;

(2) The word "Department" shall mean the Department of Natural Resources, or if said department shall be abolished, the department, board, body or commission succeeding to the principal functions thereof or to whom the powers given by KRS 146.010 to the department shall be given by law;

(3) The word "Division" shall mean the Division of Water;

(4) The word "stream" or "watercourse" shall mean any river, creek or channel, having well defined banks, in which water flows for substantial periods of the year to drain a given area, or any lake or other body of water in the Commonwealth;

(5) The word "diffused surface water" shall mean that water which comes from falling rain or melting snow or ice, and which is diffused over the surface of the ground, or which temporarily flows vagrantly upon or over the surface of the ground as the natural elevations and depressions of the surface of the earth may guide it, until such water reaches a stream or watercourse;

(6) The word "ground water" or "subterranean water" shall mean all water which fills the natural openings under the earth's surface including all underground watercourses, artesian basins, reservoirs, lakes and other bodies of water below the earth's surface;

(7) The word "floodway" shall mean that area outside the banks of the channel of a stream or watercourse reasonably necessary to carry off flood waters;

(8) The word "floodplain" shall mean the area in a watershed that was inundated during the highest flood of record;

(9) The word "watershed" shall mean all of the area from which all drainage passes a given point downstream;

(10) The word "domestic use" shall mean the use of water for ordinary household purposes, and drinking water for poultry, livestock and domestic animals;

(11) The word "water resource project" or "project" shall mean any construction, development, improvement or any other activity intended to conserve and develop the water resources of the Commonwealth;

(12) The word "withdraw" or "withdrawal of water" shall mean the actual removal or taking of water from any stream, watercourse or other body of public water.

Section 2. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

The conservation, development and proper use of the water resources of the Commonwealth of Kentucky has become of vital importance as a result of population expansion and concentration, industrial growth, technological advances and an ever increasing demand on water for varied industrial, municipal and recrea-

tional uses. It is recognized by the General Assembly that excessive rainfall during certain seasons of the year causes damages from overflowing streams. However, prolonged droughts at other seasons curtail industrial, municipal, agricultural and recreational uses of water and seriously threaten the continued growth and economic well-being of the Commonwealth. The advancement of the safety, happiness and welfare of the people and the protection of property require that the power inherent in the people be utilized to promote and to regulate the conservation, development and most beneficial use of the water resources. It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to the beneficial use to the fullest extent of which they are capable, that the waste or non-beneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. Therefore, it is declared the policy of the Commonwealth to actively encourage and to provide financial, technical or other support for projects that will control and store our water resources in order that the continued growth and development of the Commonwealth might be assured. To that end, it is declared to be the purpose of this act for the Commonwealth to permit, regulate, and participate in the construction or financing of facilities to store surplus surface water for future use; to conserve and develop the ground water resources of the Commonwealth; to protect the rights of all persons equitably and reasonably interested in the use and availability of water; to prohibit the pollution of water resources and to maintain the normal flow of all streams so that the proper quantity and quality of water will be available at all times to the people of the Commonwealth; to provide for the adequate disposition of water among the people of the Commonwealth entitled to its use during severe droughts or times of emergency; to prevent harmful overflows and flooding; to regulate the construction, maintenance and operation of all dams and other barriers of streams; to prevent the obstruction of streams and floodways by the dumping of substances therein; to keep accurate records on the amount of water withdrawal from streams and watercourses and reasonably regulate the amount of withdrawal of public water; and to engage in other activities as may be necessary to conserve and develop the water resources of the Commonwealth of Kentucky.

Section 3. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) The Governor, the Commissioner of Natural Resources, the Commissioner of Finance, the Commissioner of Health, the Commissioner of Commerce, the Attorney General, and their respective successors in office, shall be a body corporate and politic constituting a public corporation and a governmental agency and instrumentality of the Commonwealth by the name of "THE WATER RESOURCES AUTHORITY OF KENTUCKY" with perpetual succession and with power in that name to contract and be contracted with, sue and be sued, have and use a corporate seal, and exercise, in addition to the powers and functions specifically stated in this chapter, all the usual powers of private corporations to the extent that the same are not inconsistent with specifically enumerated powers.

(2) The members of the Authority shall receive no compensation for their service in that capacity, but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in connection with the performance of their duties and functions as such members.

(3) Four members of the Authority shall constitute a quorum for the transaction of business. Within ninety days from the date of passage of this Act, the Authority shall convene and organize. The Governor shall, by virtue of his office, be the Chairman of the Authority. The Commissioner of Natural Resources shall, by virtue of his office, be the Vice-chairman of the Authority. The Commissioner of Finance shall, by virtue of his office, be the Treasurer of the Authority.

Section 4. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Administrative details and other activities of the Authority shall be administered by the Executive Director of the Authority and he shall maintain correct, complete records of all the Authority's transactions and proceedings which shall constitute public records open to inspection at reasonable times. The Executive Director of the Authority shall be the Director of the Division of Water.

Section 5. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

The Attorney General shall be the legal officer of the Authority, but shall designate one or more qualified Assistant Attorneys General to serve as advisors to the Authority and its Executive Director as occasions may arise.

Section 6. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) In order to provide for the development of Kentucky's water resources to meet future demands for usable water, and to provide for the construction of water resources projects including but not limited to the construction of dams with surplus water storage capacity, reservoirs for municipal and industrial water supply, and other projects to assure the adequate supply of water which is essential to the continued municipal, industrial, recreational and agricultural growth of the Commonwealth, the Authority is hereby authorized and empowered, to contract with the Federal government for the inclusion of additional water supply storage space behind existing or proposed flood control or other projects; to construct, maintain, repair and operate water resources projects; to participate with the Federal government or any of its agencies, the State government or any of its agencies or political subdivisions, or any other person in the construction, maintenance, repair or operation of any water resource project; to lease water resource projects to the department or other governmental agencies and political subdivisions of the Commonwealth; and to provide financial assistance through loans or otherwise for the development of water resource projects.

(2) The Authority is hereby authorized and empowered to co-ordinate the programs of all State agencies in the conservation, development and wise use of public water.

(3) The Authority is authorized and empowered to promote the beneficial and proper distribution of water throughout the Commonwealth.

Section 7. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

The authority is further authorized and empowered:

(1) to construct, reconstruct, maintain, repair, operate and regulate water resource projects at such locations within the Commonwealth as may be determined by the Authority;

(2) to acquire by purchase, exercise of the rights of eminent domain, grant, gift, devise or otherwise, the fee simple title to or any acceptable lesser interest in any lands, and by lease or other conveyance, contract for the right to use and occupy any lands selected in the discretion of the Authority as constituting necessary, desirable or acceptable sites for water resources projects of the Authority;

(3) to issue revenue bonds of the Authority payable solely from the revenues, rentals, rates, charges and other funds, pledged for their payment, for the purpose of paying all or any part of the cost of any one or more projects, and to refund any of its bonds;

(4) to fix by contract, or to establish and revise from time to time and charge and collect revenues, rentals, rates and charges for the use of the services and facilities of projects;

(5) to combine for financing purposes any two or more projects;

(6) to establish and enforce rules and regulations for the use of any project;

(7) without reference to KRS Chapter 56, to acquire and hold in the name of the Authority real and personal property in the exercise of its powers and the performance of its functions and duties under this chapter, and to dispose of the same;

(8) to make and enter into such agreements with the Federal government, the Commonwealth or any of its agencies or political subdivisions and any other parties as may be necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(9) to employ such employees and agents as may be necessary in the judgment of the Authority and to fix their compensation subject to KRS Chapter 18;

(10) to receive and accept from the Commonwealth and any Federal agency, grants for or in the aid of construction or development of any water resources project, and to receive and accept aid or contributions from any source of either money, property, labor or any other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(11) to expend reasonable funds of the Authority in the form of grants for research, scientific study or planning of the development of water resources throughout the Commonwealth;

(12) to adopt any rules or regulations necessary to accomplish the purposes of the Authority;

(13) to do all acts and things necessary or convenient to carry out the powers expressly granted to the Authority.

Section 8. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) There shall be a special revolving trust and agency fund in the Treasury of the Commonwealth to be known as the WATER RESOURCES FUND to which shall be accredited all funds paid to the Authority by all sources including but not limited to all fees, deposits, and repayments, both principal and interest as provided in Part I, of this Act.

(2) All loans and expenditures for the development and construction of water resources projects shall be paid out of this FUND. Payments shall be made in the same manner as other state expenditures.

Section 9. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

When it has been determined by the Authority that the development and construction of a water resources project will accomplish the public purposes of this chapter, the Authority may contract to loan any county, city, water district, watershed conservancy district or other governmental subdivision of the Commonwealth, such amount of money as in the discretion of the Authority is needed in the development and completion of the water resources project.

Section 10. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Every loan of the Authority shall be for such period of time and shall bear interest at such rate as shall be determined by the Authority. The Authority shall require a loan under this section to be secured; if so, the security may be subordinate to that which secures Federal assistance or other secured assistance received on the same project.

Section 11. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) Any governmental subdivision of the Commonwealth may apply to the Authority for assistance in the development, construction and operation of a water resources project. Applications shall be made in a manner prescribed by regulations of the Authority.

(2) The Authority shall hold such hearings and examinations as to each application as shall be necessary to determine whether the public purposes of this chapter will be accomplished by granting financial assistance to such applicants.

Section 12. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) The Authority is hereby authorized to provide, at one time or from time to time, for the issuance of its revenue bonds for the purpose of paying all or any part of the cost of any one or more projects undertaken pursuant to Part I of this act. The principal of and the interest on such bonds shall in each instance be payable solely from a special fund provided for such payment, and from identified revenues pledged to be set aside and deposited in such special fund. The bonds of any issue may be in one or more series and any one or more such series may enjoy equal or subordinate status with respect to the pledge of funds from which they are payable, shall be dated, shall bear interest at such rate or rates not exceeding six percent per annum, shall mature at such time or times not exceeding the fortieth anniversary of their respective dates, all as may be provided by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such

terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the facsimile signature of the Chairman of the Authority, and the seal of the Authority or a facsimile thereof shall be affixed thereto and attested by the manual signature of the treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the Chairman of the Authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of Part I of this Act shall have and are hereby declared to have all qualities and incidents of negotiable instruments under the Uniform Commercial Code of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Authority may sell such bonds at public sale, and for such price as it may determine will best effect the purposes of Part I of this Act, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six percent per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or projects for which such bonds shall have been issued, and shall be disbursed in such a manner and under such restrictions, if any, as the Authority may provide in the proceedings authorizing the issuance

of such bonds or in the trust indenture securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund or funds for such bonds or any account or accounts therein as the Authority shall have provided in the proceedings or trust indenture authorizing and securing such bonds.

(3) Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(4) Such bonds are held to be interest exempt from Federal and Kentucky income taxes and principal exempt from Kentucky ad valorem taxes under existing statutes, regulations and court decisions.

Section 13. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Revenue bonds issued by the authority under the provisions of Part I of this Act shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any such political subdivision, but such bonds shall be payable solely from the funds provided therefor under the provisions of Part I of this Act. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth nor the Authority shall be obligated to pay the same or the interest thereon except from revenues of the project for which they are issued, and that neither the faith and credit nor the

taxing power of the Commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

Section 14. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

In the discretion of the Authority, any bonds issued under the provisions of Part I of this Act may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust indenture or the proceedings providing for the issuance of such bonds may pledge or assign the revenues, rentals, rates, and charges to be received, but shall not convey or mortgage any project or any part thereof. Such trust indenture or proceedings may contain such provisions for protecting and enforcing the rights and remedies of the bond holders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project or projects in connection with which such bonds shall have been authorized, the rentals, rates, charges, and other revenues to be established and collected, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust indenture or proceedings may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust indenture or proceedings may be treated as a part of the cost of the operation of the project or projects.

Section 15. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Any holder of bonds issued under the provisions of Part I of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent of the rights given in this section may be restricted by such trust indenture or proceedings, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted under Part I of this Act or under such trust indenture or the proceedings authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by Part I of this Act or by such trust indenture or proceedings to be performed by the Authority or by any officer or employee thereof, including the fixing and collecting of rentals, rates, charges and other revenues.

Section 16. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) Water occurring in any stream, lake, ground water, subterranean water or other body of water in the Commonwealth which may be applied to any useful and beneficial purpose is hereby declared to be a natural resource and public water of the Commonwealth and subject to control or regulation for the public welfare as provided in this Act.

(2) Diffused surface water which flows vagrantly over the surface of the ground shall not be regarded as public water, and the owner of land on which such water falls or flows shall have the right to its use. Water left standing in natural pools in a natural stream when the natural flow of the stream has ceased, shall not be regarded as public water and the owners of land contiguous to that water shall have the rights to its use.

Section 17. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) There is hereby created in the Department of Natural Resources a Division of Water. The Director of the Division shall be appointed by the Commissioner of the Department of Natural Resources with the approval of the Governor. The Director, with the approval of the Commissioner, shall employ such personnel as is necessary to administer the functions of the Division subject to the provisions of KRS Chapter 18.

Section 18. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

No person, business, industry, city, county, water district, or other political subdivision shall have the right to withdraw, divert, or transfer public water from a stream, lake, ground water source or other body of water, unless such person, business, industry, city, county, water district or other political subdivision has been granted a permit by the Division for such withdrawal, diversion, or transfer of water. Provided however, no permit shall be required and nothing herein shall interfere with the customary use of water for agricultural and domestic purposes.

Section 19. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) Any person, business, industry, city, county, water district or other political subdivision desiring to withdraw, divert, or transfer public water must register with the Division and submit an application for a permit on a form to be supplied by the Division.

(2) Any person, business, industry, city, county, water district or other political subdivision withdrawing, transferring or diverting public water from a stream, lake, groundwater source, or other body of public water within or along the borders of the Commonwealth without a permit as required in Section 18 shall be subject to the penalties provided in Section 38.

Section 20. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) All public water withdrawn pursuant to a permit under Section 18, must be recorded and a report thereof kept and sent to the Division as hereinafter provided.

(2) Beginning July 1, 1966, all persons, businesses, industries, cities, counties, water districts and other political subdivisions withdrawing, diverting or transferring public water under a permit from the Division, must record the amount of water withdrawn, diverted or transferred each day. Quarterly reports, on forms to be supplied by the Division, indicating amounts of public water withdrawn, diverted or transferred, shall be timely submitted to the Division.

(3) The Division or any of its authorized representatives shall have the right to enter and inspect water withdrawal records at all times to determine whether such records are correct and in proper order.

(4) The willful failure to keep accurate records of the withdrawal, diversion, or transfer of public water or the failure to timely submit quarterly reports upon demand by the Division shall subject the permit holder to being called for a hearing before the Division and possible penalties under Section 38.

Section 21. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) All permits issued under Section 18 shall be specific in terms of quantity, time, place and rate of diversion, transfer or withdrawal of public water. Such permits represent a limited right of use and do not vest ownership nor an absolute right to withdraw or use the water.

(2) The Director of the Division shall issue a permit to the applicant if an investigation by the Division reveals that the quantity, time, place or rate of withdrawal of public water will not be detrimental to the public interests or rights of other public water users. No permit shall be denied to a responsible applicant who has established an amount of water for which he has a need for a useful purpose, provided the requested amount of water is available.

(3) A permit may be issued for an amount of water withdrawal less than that applied for, if found by the Division to be in the best interests of the public or other water users.

(4) Permits for the withdrawal, transfer, or diversion of public water may be amended to any time upon application to the Division by the withdrawer, or by the Division when the quarterly reports indicate that the withdrawer is using substantially less than the permit amount.

Section 22. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Prior to the denial of an application for a water withdrawal

permit or the issuance of a permit for amounts less than the applicant applied for, the person, business, industry, city, county, water district or other political subdivision aggrieved thereby, shall be notified by the Division and given an opportunity to appear before the Division and be heard. Within thirty days of an order of the Division denying a permit, or an order isuing a permit in amounts less than those applied for, the aggrieved person may appeal the order of the Division to the Franklin Circuit Court as provided in Section 23.

Section 23. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Any person aggrieved by a final order of the Division may obtain a review of the order by filing in the Franklin Circuit Court, within thirty days after entry of the order, a written petition praying that the order be modified or set aside in whole or in part. A copy of the petition shall be forthwith served upon the Division, and thereupon the Division shall certify and file in court a copy of the record before the Division, including therein all pleadings, orders, documentary exhibits any stenographic transcript of testimony before the Division. When these have been filed, the court shall have exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the Division or there was reasonable grounds for failure to do so. The findings of the Division as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearing before the Division, the court may order the additional evidence to be taken before the Division in such manner and upon such condition as the court may consider proper. The Division may modify its findings as to the facts, by reason of the additional evidence so taken; and it shall file any modified or new findings with the court, which if supported by substantial evidence shall be conclusive, and may file any recommendation for the modification or setting aside of the original order. The commencement of proceedings under

this section does not, unless specifically ordered by the court, operate as a stay of the Division's order. An appeal may be taken from the judgment of the Franklin Circuit Court to the Court of Appeals on the same terms and conditions as an appeal is taken in any civil action.

Section 24. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) Notwithstanding the existence of any permits for the withdrawal, diversion, or transfer of public water, in times of drought, emergency, or other similar situations requiring a balancing of the rights and available water between water users, the Division, with the approval of the Authority may temporarily allocate the available public water supply among water users and restrict the water withdrawal rights of permit holders, until such time as the condition is relieved and the best interests of the public are served.

(2) The Division, with the approval of the Authority, may issue a permit for the transfer or diversion of public water from one stream or watershed area to another, where such transfer is consistent with the wise use of the public water of the Commonwealth and is in the best interests of the public.

Section 25. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) Any owner of land contiguous to public water shall at all times have the right to the use of water therefrom to satisfy his needs for domestic purposes, which shall include water for household purposes, drinking water for poultry, livestock and domestic animals. The uses of water for such domestic purposes shall have priority and be superior to any and all other uses.

(2) An owner or group of owners of land contiguous to public water, operating under a withdrawal permit, shall have the right to impound and conserve water for their use by impounding such water behind a dam in the natural stream bed or on their land, when the flow of the stream or level of the lake is such that the impounding will not impair existing uses, or will not unreasonably interfere with a beneficial use by other water

users. An obstruction placed across a natural stream shall be approved by the Division as provided in Section 29, and shall provide an outlet for the release of water which the owner is not entitled to use or withdraw under this Act, and the owner shall operate the outlet in accordance with this provision.

Section 26. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

The Division shall:

(1) Undertake for and as the official agency of the State, such studies and prepare such reports and recommendations as may be necessary to establish a state-wide program of flood contral (including major drainage), and a state-wide program for the development of water resources;

(2) Study and review for the State as its official agency, all survey reports, engineering reports and other reports concerning or affecting projects within the state which are proposed for construction by the Federal government, the State government or any agency or subdivision thereof, or which will involve the expenditure of Federal or State funds, and which might affect flood control or the development of water resources of the state, and to act as the official representative of the state in any representations, recommendations or requests to Congress or the General Assembly concerning such projects or the priority which should be accorded them with relation to the state-wide program;

(3) Make a continuous water resources study of data from other existing state or federal agencies and such other sources as may be available. From such studies, the Division with the approval of the Department shall formulate amendments to present and future water resources laws, whenever necessary, to maintain the maximum beneficial use of the water resources of the Commonwealth;

(4) Cooperate with any local, state or federal agency, or the agencies of any other state engaged or proposing to engage in any work which will affect or be affected by the functions of the Division and may lend to or receive from any such agency such financial assistance as may be necessary within the limits of authorized expenditure;

(5) Have, for flood control and water resources development purposes, jurisdiction over all streams within or bordering upon the State. Whenever necessary, the Division shall have the authority to establish and enforce floodways along such streams;

(6) Have authority to accept and use gifts, contributions, donations and grants;

(7) Adopt, with the approval of the Department, certain rules and regulations pertaining to flood control and water resources found necessary in the administration of its duties;

Section 27. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Whenever the Division prescribes a standard by rule or regulation, such rule or regulation shall establish a minimum requirement concerning the matter covered thereby and shall be construed in relation to a local law, rule or regulation.

Section 28. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

On its own initiative or when so directed by the Governor, the Division shall make a preliminary survey and report of any project which involves or might involve expenditure of state funds or construction work by the State of Kentucky in the construction, reconstruction, or maintenance of any flood control works or other works concerning or affecting the development of water resources. If the Division, with the approval of the Governor, finds from such preliminary survey that the project is not favorable, no further action shall be taken on such project without specific instructions or authorization by the General Assembly. If the Division finds from such preliminary survey that such project is favorable on a basis of need, economic value or future development, it shall, with the approval of the Governor, cause a comprehensive final survey and report to be prepared, and submit such report to the Governor for approval and authority to perform the necessary construction work.

Section 29. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the State Highway Department) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the Division and a permit issued. However, the Division by regulation, may exempt those dams, embankments or other obstructions which are not of such size or type as to require approval by the Division in the interest of safety or retention of water supply.

(2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the Division and a permit issued as required in subsection (1) above.

(3) Nothing in this section is intended to give the Division any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch, or system established for agricultural purpose, or to require approval of the same except where such obstruction of the stream or floodway is determined by the Division to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified.

Section 30. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) All applications for permits required by section 29 shall be in the form and manner prescribed by the Division.

(2) Unless waived by the Division, all plans and specifications submitted for approval shall be drawn by an engineer, licensed to practice as a professional engineer under the provisions of Chapter 322 of the Kentucky Revised Statutes.

(3) Upon receipt of all plans and specifications, the Division shall notify the applicant in writing within twenty working days either that the permit will be issued or denied, or that certain modifications in the plans or specifications must be made before a permit will be issued.

Section 31. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Any person, including municipalities, or other agencies of the State or Federal government, to whom the Division has denied a permit or who cannot agree to the modifications proposed by the Division in the plans and specifications for the construction, reconstruction, relocation, improvement or enlargement of any project for which a permit is required by section 29, and who considers himself aggrieved thereby, may obtain a review of the Division's order, by filing in the Franklin Circuit Court, within sixty days after entry of the order, a written petition praying that the order be modified or set aside in whole or in part. The court shall hear the case without a jury, and the burden of proof shall be on the proponent of the project. An appeal may be taken from the judgment of the Franklin Circuit Court to the Court of Appeals on the same terms and conditions as an appeal is taken in any civil action.

Section 32. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) Any person, county, city or other political subdivision of the State who shall begin on the site preparation for the construction, reconstruction, relocation or improvement of any project prior to the issuance of the permit required in section 29 shall be considered as commencing without a permit and punishable by penalties provided in section 38.

(2) Whenever plans and specifications have been approved in writing and a permit issued by the Division, no person, city, county, or other political subdivision shall deviate from the approved plans in the construction, reconstruction, relocation or improvement unless such change is submitted in writing to the Division and prior approval is received from the Division in writing before proceeding with the work. Any substantial deviation from the approved plans shall be construed as commencing without a permit and punishable by the penalties provided in section 38.

Section 33. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) The Division shall have the authority to periodically inspect any dam, embankment, levee, or other barrier which restricts the flow of water in a stream in the Commonwealth. These inspections shall be made from the standpoint of safety in order to avoid damage to person or property and to protect the supply of water stored therein.

(2) If the Division determines that a dam, embankment, levee, or other water barrier is inadequate according to standards established by regulations of the Division, it may, after giving the affected parties an opportunity to be heard, compel by an order of the Division such remedial measures as it deems are necessary. This order shall be sent by registered mail and such order shall provide a reasonable time to accomplish the necessary repairs or improvements. The failure to accomplish the necessary repairs or improvements within the time limit of the order, shall be a violation and subject the person to the penalties provided in Section 38.

(3) Any person, city, county or other political subdivision who objects to an order of the Division and consider himself aggrieved thereby, may obtain a review of the Division's order, by filing in the Franklin Circuit Court, within sixty days after entry of the order, a written petition praying that the order be modified or set aside in whole or in part. An appeal may be taken from the judgment of the Franklin Circuit Court to the Court of Appeals on the same terms and conditions as an appeal is taken in any civil action.

(4) Where the dam, embankment, levee or other water barrier is found by the Division to pose a serious threat to life or property, it shall direct the Attorney General, as provided in Section 37, to seek a mandatory injunction for the correction or removal of the dam, embankment, levee or other water barrier posing such threat.

Section 34. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Any engineer or employee of the Division, or any person authorized by the Division, shall have the right to enter upon private, municipal, county, state, federal, or other public grounds for the purpose of making on the site inspections, including surveys and other examinations or tests, necessary to administer the provisions of this chapter. The Division shall be subject to the responsibility for any damage done to the property entered.

Section 35. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

No person, city, county, or other political subdivision of the state shall deposit or cause to be deposited any matter that will in any way restrict or disturb the flow of water in the channel or in the floodway of any stream except where a permit has been issued for construction under Section 29, or to encroach on the reservoir area of any dam authorized by the Congress of the United States, or under the jurisdiction of the Commonwealth, or any of its political subdivisions.

Section 36. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) The mayor or chief executive officer of each city and the county judge of each county, shall have the concurrent duty of enforcing with the Division, within their respective cities and counties, the provisions of Sections 29, 32 and 35 and rules and regulations issued thereunder.

(2) When a violation of Sections 29, 32, or 35 within his jurisdiction is brought to the attention of a mayor or chief executive officer of a city or a county judge, he shall immediately

notify the Division of the location and details of such violation.

Section 37. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

(1) It shall be the duty of the Attorney General, upon the request of the director, to bring an action for the recovery of the penalties herein provided for and to bring an action for a restraining order, temporary or permanent injunction, for the prevention or correction of a condition constituting or threatening to constitute a violation of this chapter.

(2) All actions for penalties and injunctive relief for violations of this chapter shall be brought in the name of the Commonwealth of Kentucky by the Attorney General in the Franklin Circuit Court, or in the circuit court having jurisdiction of the defendant.

Section 38. A new section of Chapter 146 of the Kentucky Revised Statutes is created to read as follows:

Any person, city, county or other governmental subdivision who violates any of the Sections of Part I of this Act shall be liable to a civil penalty of not more than one thousand ($1,000.00) dollars for said violation and in addition may be enjoined from continuing said violation. Each day upon which such violation occurs or continues shall constitute a separate offense.

Section 39. Sections 104.391, 104.395, 104.400, 104.403, 104.407, 104.420, 104.430, 104.433, 104.437, 104.441, 104.445, 262.670, 262.680 and 262.690 of the Kentucky Revised Statutes are repealed.

PART 2

Section 40. Section 149.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Forestry in the Department of Natural Resources shall supervise all forestry property and advance forest interests of the state through development of such property and interests. It shall initiate such projects as will promote public

appreciation of forest protection and of reforestation; encourage tree planting in general and on the public highways in particular; grow, collect and distribute seedlings; form and foster junior forestry clubs; cooperate with local civic organizations in the care of trees and planting of more trees; provide for organized forest fire protection; cooperate with the Federal Government, state departments and landowners in the perpetuation of forests, the promotion of tree growth and the redemption of wasteland for agricultural purposes; and encourage an interest in forestry by correspondence, press, pamphlets, reports, moving pictures and organizations.

(2) *The Director of the Division of Forestry with the approval of the Commissioner of Natural Resources shall adopt and enforce such rules and regulations as may be necessary to carry out the functions assigned the Division by law.*

[(2) The Division of Game and Fish may cooperate with the Division of Forestry in combining the services of field men or wardens and may arrange for a joint salary or per diem allowance to the wardens.]

Section 41. Section 149.160 of the Kentucky Revised Statutes is amended to read as follows:

When any forest warden sees or there is reported to him a forest fire, in a county *in which the State-wide System of Forest Fire Protection has been established under KRS 149.510 to 149.600,* [which has elected to cooperate with the Division of Forestry under KRS 149.160 to 149.180] he shall repair immediately to the scene of the fire and employ such persons and means as, in his judgment, are expedient and necessary to extinguish the fire, within the limits of the expense he has been authorized to incur in his instructions from the Director of the Division of Forestry. He shall keep an itemized account of all expenses thus incurred and immediately send the account verified by affidavit to the Director of the Division of Forestry for examination. Upon approval by the Director of the Division of Forestry, the account shall be paid from such fund or funds as are available to the Division for such purpose. No such payment shall be made to any person who has intentionally started the fire or to any person whose negligence caused or contributed to the setting of the fire.

Section 42. Section 149.180 of the Kentucky Revised Statutes is amended to read as follows:

Whenever possible, the Director of the Division of Forestry shall collect the costs of fire fighting done under the direction of the forest warden [in accordance with the provisions of KRS 149.140 to 149.190] and approved as provided in KRS 149.160, from the person responsible for the origin of the fire by his negligence or intent, and shall return any costs so collected *to a special fund in the Division of Forestry* [to the State Treasury for credit to the special fund provided for in KRS 149.190], and such amount shall be repaid to the county in which the costs were incurred, *if such county has fully paid its annual assessment to the state-wide system as provided for in KRS 149.540.* [but not exceeding the payments made by that county in the fiscal year in which such costs were accrued, and] The funds so repaid to the county shall be placed in the County Forest Fire Protection Fund provided for in KRS *149.590.* [149.156] The Commonwealth's Attorney of the county in which the fire occurred shall institute and prosecute the necessary proceedings.

Section 43. Section 149.370 of the Kentucky Revised Statutes is amended to read as follows:

No person shall:

(1) *Within or adjacent to timberland,* dispose of a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any other substance or thing in such condition that it is likely to ignite a forest, brush, grass or woods fire, or throw or drop any of the aforesaid objects or substances from a moving vehicle or drop or leave any of the aforesaid objects or substances within the limits of the right-of-way of any road or highway *in such timberland. The driver of a moving vehicle shall be deemed prima facie liable where it cannot be determined which of the occupants of the moving vehicle threw or dropped any of the aforesaid objects or substances.*

(2) Smoke in *timberland* [forest land] during an emergency period of fire danger as *proclaimed in KRS 149.405.* [set by the Division of Forestry, except as may be permitted by rules and regulations of such agency.]

(3) Set fire or cause or procure the setting on fire of any flammable material on *timberland* [forest land] of another without the consent of the owner.

(4) Set fire or cause or procure the setting on fire of any flammable material on *timberland* [forest land], without notifying adjacent landowners and without taking reasonable precautions both before and after lighting the fire and at all times thereafter to prevent escape thereof.

(5) Deposit or leave unattended on any railroad or highway right-of-way *within or adjacent to timberland,* any fire or live coals, or set or maintain thereon any fire for the purpose of cooking, heating, or providing light or warmth unless such fire is enclosed within a stove, drum, fireplace or other properly prepared location.

(6) *Within or adjacent to timberland,* set a backfire or cause a backfire to be set, except under the direct supervision of the Division of Forestry, or unless it can be established that the setting of such backfire is necessary for the purpose of saving life or valuable property.

(7) Without authority, destroy, deface, or remove any notice, sign, or poster of the Division of Forestry, posted for the better protection of wood lots, forests, or wild lands from fire or trespass.

(8) Use or operate *within* [on] or adjacent to *timberland* [forest land] a welding torch, tarpot, or other device which may cause a fire, without clearing flammable material surrounding the operation or without taking such other reasonable precautions necessary to ensure against the starting and spreading of fire.

(9) Light, maintain or use a fire for cooking, heating or providing light or warmth upon lands not his own *and within or adjacent to timberland,* without first obtaining permission from the owner, lessee or agent thereof.

(10) Light or maintain *within* [on] or adjacent to *timberland* [forest land], a bonfire within one hundred fifty feet, of any house or building.

(11) Discharge or cause to be discharged a gun firing in-

cendiary or tracer bullets or tracer charge or combustible gun wadding onto or across any *timberland* [forest land].

(12) Have in his possession on *timberland* [forest land] any incendiary or tracer bullet or tracer charge, except in the course of transporting the same in conformity with law.

(13) Light or maintain *within* [on] or adjacent to *timberland* [forest land] an open fire or campfire without clearing flammable material surrounding such fire as necessary to ensure against the escape or spread thereof, or leave such fire before it is extinguished.

(14) Kindle or start, or direct another to kindle or start, any fire in or near a public or private road *within or adjacent to timberland* unless it is under control at all times, and properly extinguished before left.

Section 44. Section 149.375 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful, *within or adjacent to timberland,* for any person to set fire to, or to procure another to set fire to, any flammable material upon land owned or leased by him unless he previously shall have taken all reasonable care and precaution, by having the flammable material cut and piled or carefully cleared around the same, to prevent the spread of such fires to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to any flammable material, upon such land unless he shall have taken similar precautions to prevent the spread of such fire to any other land.

Section 45. Section 149.380 of the Kentucky Revised Statutes is amended to read as follows:

No person shall:

(1) Willfully, maliciously, or wantonly set on fire or cause or procure to be set on fire any *timberland* [forest land], or flammable material on such land, which land is not owned, leased or controlled by him.

(2) Willfully, maliciously, or wantonly allow a fire to escape from his land and burn the land or property of another.

(3) Willfully, maliciously, or wantonly set, throw or place any device, instrument or paraphernalia in or adjacent to any *timberland* [forest land] with intent to set fire to such land, or which in the natural course of events would result in fire being set to such *timberland* [forest land].

Section 46. Section 149.385 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person operating or responsible for the operation of a sawmill, stavemill, heading mill, or other woodworking mill, or any manufacturing or processing establishment not entirely enclosed with fireproof or fire resistant walls or other fireproof or fire resistant shielding, shall if such mill or establishment is in or adjacent to *timberland* [forest land], maintain a cleared area of at least one hundred fifty feet in all directions from any fires maintained in or about or in connection with the operation of such mill or establishment, and for a distance of one hundred feet in all directions from any sawdust pile, slab pile, or any other flammable material accumulated from the operation of such mill or establishment.

(2) Each railroad company shall place in, on or around the top of the chimney of each of its locomotives a screen, fender, damper or other appliance that will prevent as far as possible sparks of fire escaping from the chimney *within or adacent to timberland.*

(3) Each railroad company *within or adjacent to timberland* shall keep its right-of-way clear and free from weeds, high grass and decayed timber that is likely to take and communicate fire from passing trains to abutting or adjacent property.

Section 47. Section 149.390 of the Kentucky Revised Statutes is amended to read as follows:

No person shall willfully or knowingly set fire to any *timberland* [forest land] not his own, or hollow trees or stumps of flammable material on *timberland* [land] not his own to capture or destroy wild birds or quadrupeds or to destroy feeding or breeding grounds thereon.

Section 48. Section 149.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The periods commencing on March 1 and ending on May 15 and commencing on October 1 and ending on December 15 of each year are hereby declared to be and established as the fire hazard seasons. During the fire hazard seasons, even though the precautions required by KRS 149.375 shall have been taken, it shall be unlawful for any person to set fire to, or to procure another to set fire to, any flammable material capable of spreading fire, located in or within one hundred fifty feet of any woodland or brushland, except between the hours of 4:30 p.m. and twelve o'clock midnight, central standard time, or when the ground is covered with snow.

(2) This section shall not apply to fires which may be set for the purpose of burning tobacco plant beds, nor to fires which may be set within the corporate limits of any city, nor to the burning of weeds, high grass and decayed timber under the supervision of a competent railroad employee on any railroad right-of-way that is being cleared of such material in compliance with subsection (3) [(2)] of KRS 149.385, provided any such fire set by any railroad employee shall be extinguished before the employee leaves the vicinity of the fire.

(3) *This section shall not apply to fires which may be set by competent and qualified employees of utility or pipeline companies in connection with the construction, operation or maintenance of pipelines, powerlines or other projects in the public interest on rights of way used for such pipelines, powerlines or other projects, and such fires shall be extinguished before the employees of such utility or pipeline companies leave the vicinity of the fire.*

Section 49. Section 149.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) After January 1, 1959, all counties receiving state forest fire protection and all counties having received notice of the intended establishment of such service shall annually pay to the division a sum equivalent to two cents per acre of privately owned timberlands according to the United States Forest Re-

appraisal Study of *1962 to 1964* [1948 to 1952], subject to additions and deductions of acreage since the making of such study. Such payments shall be due and payable on September 15 following the assessment.

(2) Contributions may be met out of the general funds of the county and in addition the fiscal court may require each owner of timberland in the county to participate directly by paying into a special county forest fire protection fund an assessment not exceeding three cents per year for each acre of timberland of which he is the owner.

(3) In any case in which the division and the governing body of any county cannot agree upon the additions or deductions to privately owned forest acreage in a particular county, or to changes in forest acreage from year to year, the question shall be submitted to the judge of the circuit court of the county by a summary and informal proceeding, in term or vacation, and a decision of the judge, certified to the governing body and to the division respectively, shall be conclusive and final.

Section 50. Section 149.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates subsection (2) of KRS 149.040 shall be fined not less than one hundred dollars, or confined in jail for not less than thirty nor more than one hundred days, or both.

(2) Any physically able male resident of this state above the age of eighteen who refuses or neglects to assist in extinguishing forest fires, when summoned by a warden *as authorized by KRS 149.090 (2), and any person who refuses* [or] to allow the use of required equipment or materials *authorized by KRS 149.090 (3),* shall be fined not less than five nor more than fifty dollars.

Section 51. A new section of Chapter 149 of the Kentucky Revised Statutes is created to read as follows:

(1) No person shall resist, obstruct, interfere with or threaten, or attempt to intimidate, or in any other manner interfere with any officer or employee of the Division of Forestry in

the discharge of his duties under the provisions of Chapter 149 of the Kentucky Revised Statutes.

(2) Any person who violates subsection (1) shall be fined not less than twenty-five nor more than two hundred dollars, or imprisoned for not more than six months, or both.

Section 52. A new section of Chapter 149 of the Kentucky Revised Statutes is created to read as follows:

The Director of the Division of Forestry may, with the approval of the Commissioner of Natural Resources, offer rewards out of monies appropriated to the Division of Forestry, for information leading to the apprehension and conviction of persons violating the laws relating to the setting of fires and forest fire control.

Section 53. A new section of Chapter 149 of the Kentucky Revised Statutes is created to read as follows:

If the violation of any section of this chapter is a misdemeanor and is committed in the presence of a forest warden or other law enforcement officer of the Division, and there are reasonable grounds to believe that the person being cited will appear to answer the charge, such warden or officer may, in lieu of a physical arrest directed by KRS 149.090, issue a citation as authorized by KRS 431.015, requiring the person being cited to appear before a court of competent jurisdiction of the county in which the offense occurred. The citation shall provide that the defendant shall appear within a designated time.

Section 54. A new section of Chapter 149 of the Kentucky Revised Statutes is created to read as follows:

(1) The Division of Forestry may secure such automobile liability insurance as will reasonably protect the interests of employees of the Division, particularly those employees driving trucks or heavy equipment in the conduct of official business.

(2) Policies authorized by this section shall be purchased only in accordance with regulations prescribed by the Commissioner of Insurance and the Commissioner of Finance.

PART 3

Section 55. Section 146.080 of the Kentucky Revised Statutes is amended to read as follows:

There is hereby created, within the Department of *Natural Resources* [Conservation], a Division of Soil and Water *Conservation* [Resources]. The Division shall consist of a Soil and Water *Conservation* [Resources] Commission, A Director, and such officers, employees and agents as the Commission may deem necessary for carrying out the function of the Division, through the Commission and the Director, to assist soil *and water* conservation districts *and watershed conservancy districts* organized under *KRS Chapter 262* [the Kentucky Soil Conservation Districts Law] in carrying out the functions, powers and duties conferred upon them by such *chapter.* [law.]

Section 56. Section 146.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of *Natural Resources,* [Conservation] with the approval of the Soil and Water *Conservation* [Resources] Commission shall divide the state into nine soil and water conservation areas which shall contain as nearly equal number of soil *and water* conservation districts as practicable;

(2) The Soil and Water *Conservation* [Resources] Commission shall consist of nine members, not more than five of whom shall be of the same political party, to be appointed by the Commissioner of *Natural Resources* [Conservation] with the approval of the Governor;

(3) One member shall be appointed from each of the areas from a list of two names submitted from each such area by the supervisors of the soil *and water* conservation districts that have their principal offices therein. All members shall be supervisors of soil *and water* conservation districts;

(4) The term of office of each such member shall be four years [except that as to the members first appointed, the Commissioner of Conservation shall designate three members for terms of two years, three for three years and three for four years]; provided that, whenever a member of the Commission ceases to

hold the office of district supervisor by virtue of which he is serving on the Commission, his term of office as a member of the Commission shall be terminated. In the case of any vacancy other than the one caused by the expiration of a term, the Commissioner of *Natural Resources* [Conservation], with the approval of the Governor, shall appoint the successor from a list of two names submitted by the supervisors of the soil conservation area which was represented by the former member. The successor shall also be a supervisor of a soil *and water* conservation district;

(5) The members of the Commission shall designate a chairman from among their members and may from time to time change such designation. The Commission shall keep a record of its official actions. A majority of the Commission shall constatute a quorum. The Commission may call upon the Attorney General for such legal services as it may require. It may delegate to its chairman, any of its members, the Director of the Division, or any officer, employe, or agent, such powers and duties as it deems proper. Members of the Commission shall receive no compensation for their services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in discharging their duties;

(6) The following persons are advisory members of the Commission by virtue of their offices: the Commissioner of *Natural Resources* [Conservation], the Commissioner of Agriculture, the Director of the Agricultural Experiment Station, the Director of Vocational Education, and the State Conservationist of the United States Department of Agriculture.

Section 57. Section 146.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of *Natural Resources* [Conservation], with the approval of the Soil and Water *Conservation* [Resources] Commission shall appoint a Director of the Division of Soil and Water *Conservation* [Resources] who shall be a graduate of a recognized agricultural college, with at least five years practical experience in profesional agricultural activities and who shall serve as executive officer for the commission. The Director shall serve at the will of, and receive such compensation

as may be determined by the Commissioner of *Natural Resources* [Conservation] with the approval of the Soil and Water *Conservation* [Resources] Commission. Before entering upon his duties, the Director shall take the constitutional oath. The Director shall hold no other public office or employment. In addition to any other duties assigned to him by the Commissioner of *Natural Resources* [Conservation], the Director shall exercise, subject to the approval of the Commissioner, general administrative supervision over all activities, employes and property of the Commission;

(2) The Commissioner of *Natural Resources* [Conservation] may employ such other *officers* [offices], employes, and agents, who shall serve at his will as he deems necessary, with the approval of the Soil and Water *Conservation* [Resources] Commission, and shall provide for surety bonds for members, the Director, officers, employes or agents if entrusted with funds or property.

Section 58. Section 146.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commission shall have the general power to take any action it may consider necessary or proper to assist soil *and water* conservation districts *or watershed conservancy districts* in carrying out their functions, powers, duties and programs in accordance with *the provisions of KRS Chapter 262,* [the Kentucky Soil Conservation Districts Law] and for such purpose it may furnish financial and other aid to the districts and perform such services for them at their request as may be possible under available appropriations and resources;

(2) The Commission has all the powers and duties formerly possessed by the State Soil Conservation Committee;

(3) The Commission shall take any action it may consider necessary or proper in order to discharge for the State any of the State's functions, responsibilities or duties relating to flood control, drainage and other activities with respect to the conservation, utilization or control of soil or water resources;

(4) The Commission may prescribe such rules and regulations as may be necessary to the performance of its duties and

may enter into and execute any agreements or legal instruments that may be necessary for such purpose and it shall have the authority to acquire necessary supplies, materials and equipment, and warehousing, servicing and maintenance facilities for such equipment.

Section 59. Section 262.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise.

(1) "Board" means the board of supervisors of a *Soil and Water Conservation* district;

(2) "Committee" means the State Soil Conservation Committee;

(3) "District" means a Soil *and Water* Conservation District *whenever used in KRS 262.010 through 262.660 or a Watershed Conservancy District whenever used in KRS 262.700 through 262.795;* [Organized under KRS 262.100 to 262.180]

(4) "Due Notice" means notice published *in accordance with the legal notice provisions of KRS Chapter 424.* [At least twice, with an interval of at least six days between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation be available, notice posted at a reasonable number of conspicuous places within the appropriate area. That posting shall include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally. At any hearing, held pursuant to due notice, at the time and place designated in the notice, adjournment may be made from time to time without the necessity of renewing the notice for the adjourned dates.]

(5) "Land Occupier" or "Occupier of Land" includes any person other than the *land owner* [owner who holds title to or] *who* is in possession of, any lands lying within the district, whether as lessee or otherwise;

(6) "Land Owner" or "Owner of Land" includes any person who holds legal or equitable title *to the land within the*

*district determined as follows:* [as shown by his, her, or their names appearing on the recorded deed to any lands lying within a district]

a. *by his, her, or their names appearing on the recorded deed to the land;*

b. *by title derived through a probated will or by the laws of descent and distribution under KRS Chapter 391;*

c. *where a minor or legally incompetent person is the owner of land within the district, the guardian or whoever has the power of attorney shall have the right to vote for such land owner under the provisions of KRS Chapter 262;*

d. *where the will has not been probated by the date of the referendum or election as provided in KRS Chapter 262, the executor of the deceased land owner shall have the right to vote for the devisee or devisees;*

e. *where the land within the districts is held in trust, the trustee shall have the right to vote for the land owner under the provisions of Chapter 262;*

f. *a land owner shall be entitled to but one vote whenever he is given the right to vote under Chapter 262 regardless of the number of tracts or parcels of land which he owns either wholly or in part, within the district;*

g. *where a trustee, executor, guardian or other person with authority to vote for a land owner exercises such duty in relation to two or more estates or tracts of land, within a district, such person shall have the right to vote separately for each such land owner which he represents within the district;*

h. *in the case of a dispute as to whether or not a person has the right to vote in an election or referendum under the provisions of KRS Chapter 262, the person seeking such right must provide to the satisfaction of the polling superintendent that he has the right to vote under this Section.* [In case of infant heirs, their guardian or whoever has power of attorney can vote for them.]

(7) "Supervisor" means one of the members of the governing body of a *Soil and Water Conservation* District.

Section 60. Section 262.025 of the Kentucky Revised Statutes is amended to read as follows:

All of the functions of the State Soil Conservation Committee provided in this chapter are hereby transferred to and shall be exercised by the Soil and Water *Conservation* [Resources] Commission.

Section 61. Section 262.180 of the Kentucky Revised Statutes is amended to read as follows:

The boundaries of a district shall include the territory as determined by the committee but shall not include any area included within the boundaries of another district;

(2) Petitions for including additional territory within an existing district may be filed with the committee, and the proceedings provided for by KRS 262.100 to 262.180 in the case of petitions to organize a district shall be observed *as far as may be practicable* in the case of petitions for inclusion. The committee shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed by KRS 262.100 for petitions to organize a district. *The Secretary of State shall receive the application for inclusion of the area within the district and shall attach such application to the original file containing the papers by which such district was organized.* Where the total number of land owners in the area proposed for inclusion is less than twenty five, the petition may be filed when signed by a majority of the land owners of the area, and in that case, no referendum need be held. In a referendum upon a petition for inclusion of additional territory, all owners of land lying within the proposed additional area shall be eligible to vote.

Section 62. Section 262.520 of the Kentucky Revised Statutes is amended to read as follows:

Any petitioner who has been aggrieved by an order of the board of adjustment granting or denying, in whole or in part, the relief sought, or the board of the district or any intervening party may obtain a review of the order of the board of adjustment in the circuit court for the county within which the lands of the petitioner lie, by filing in that court a petition [in equity]

with a copy of the order complained of praying that the order of the board of adjustment be modified or set aside. When such a petition is filed with the clerk of the circuit court, he shall issue summons on that petition, directed to be served on the chairman of the board of the district. The practice and proceedings on any and all such petitions shall then be the same as that provided in the *Kentucky Rules of Civil Procedure* [Civil Code of Practice, pertaining to equity actions] with the right of the parties to appeal to the Court of Appeals.

Section 63. Section 262.610 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Soil and Water *Conservation* [Resources] Commission, as referred to in Chapter 146 KRS, subject to the supervision of the Commissioner of *Natural Resources* [Conservation], to the restrictions provided in KRS 262.610 to 262.660, and to the requirements of KRS Chapters 42 and 45, is hereby authorized to acquire and to make available, or to assist in acquiring or making available to Soil *and Water* Conservation Districts, heavy or specialized machinery or equipment which an individual district cannot itself economically obtain.

(2) When the Commission acquires or makes available to any district the machinery or equipment above referred to, it shall require said district to fully amortize, in the form of rentals, to the Division of Soil and Water *Conservation* [Resources], as referred to in KRS Chapter 146, any amount so expended by the Commission for such assistance. The amount and method of amortization for each piece of heavy or specialized machinery or equipment shall be determined by the Commission, subject to approval of the Commissioner of *Natural Resources* [Conservation], on the basis of a rental to be charged by the District to the user of such machinery or equipment sufficient (a) to fully amortize to the Division the capital outlay for the machinery itself over the period of its reasonably anticipated full usefulness; (b) to cover the cost of operation, maintenance and repairs; (c) to pay the usual cost of providing an operator; (d) to compensate the District for the usual costs of transportation from one job to another.

(3) In giving effect to all of the foregoing, the Commission

shall estimate the amount of time such equipment would ordinarily be idle.

Section 64. Section 262.620 of the Kentucky Revised Statutes is amended to read as follows:

The Division of Soil and Water *Conservation* [Resources] shall retain title to each piece of heavy or specialized machinery or equipment so purchased and made available to any Soil *and Water* Conservation District until such time as the Soil *and Water* Conservation Districts fully amortize the Commission's investment in such machinery or equipment. After the Commission's investment in such machinery or equipment has been fully amortized, it is authorized and empowered to transfer the title thereto to the district.

Section 65. Section 262.630 of the Kentucky Revised Statutes is amended to read as follows:

Each Soil *and Water* Conservation District which receives or uses the machinery or equipment referred to in KRS 262.610 shall maintain its public records to show for each piece of machinery or equipment: (a) the hours same has worked on each job in each district; (b) the amounts collected from each job in each district; (c) the expense of repairing, moving, manning and other usual costs of operation, and (d) the amount paid by each district for the purpose of amortizing the Commission's investment in such machinery or equipment. Each of such Soil *and Water* Conservation Districts shall send a duplicate copy of such records to the Commission, who shall retain same in its files for public inspection. In addition thereto, the Commission shall at all times maintain an account showing each piece of machinery or equipment, the title to which is vested in it, the amount paid thereon by any Soil *and Water* Conservation District, and the amount remaining to be amortized.

Section 66. Section 262.640 of the Kentucky Revised Statutes is amended to read as follows:

The amount paid by any such district to the division for amortization purposes shall be made monthly when the machinery is in use. This amount shall be credited to a revolving fund and

the costs of any new machinery or equipment shall be charged to the same account. Neither the appropriation herein made nor the revolving fund shall be used for any purpose other than to make available to Soil *and Water* Conservation Districts the machinery and equipment of the type referred to in KRS 262.610.

Section 67. Section 262.650 of the Kentucky Revised Statutes is amended to read as follows:

Any two or more Soil *and Water* Conservation Districts may combine with each other for the purpose of obtaining and using the specialized machinery or equipment referred to in KRS 262.610, upon the terms and conditions set forth in KRS 262.610 to 262.660.

Section 68. Section 262.660 of the Kentucky Revised Statutes is amended to read as follows:

The Commission, with the approval of the Commissioner of *Natural Resources* [Conservation], is hereby authorized to promulgate such other rules and regulations or methods of accounting as may be necessary or expedient to give effect to the purposes expressed in KRS 262.610 to 262.650.

Section 69. Section 262.705 of the Kentucky Revised Statutes is amended to read as follows:

The land area embraced in such districts must be contiguous and must lie within a well defined watershed. The area shall not include lands located within the boundary of any incorporated city or town [,] or lands not included within a Soil *and Water* Conservation District, unless such lands are brought in the boundaries of a Soil *and Water* Conservation District through the process of petition, hearing, and referendum as prescribed in KRS 262.100, 262.110, and 262.120. The area shall not include lands embraced within another Watershed Conservancy District, but may include lands lying in one or more Soil *and Water* Conservation Districts.

Section 70. Section 262.730 of the Kentucky Revised Statutes is amended to read as follows:

The question to be voted on shall be submitted by ballots upon which appear the words:

"For the creation of _____ Watershed Conservancy District"

"Against the creation of _____ Watershed Conservancy District"

A square shall follow each proposition. The ballot shall also contain a direction to insert an "X" mark in the square following one or the other of the propositions, as the voter may favor or oppose creation of the district. The ballot shall set forth the boundaries of the proposed district as determined by the board of supervisors. Only owners of lands lying within the boundaries of the territory [as determined by name appearing on deeds to their lands] shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in such referendum under rules set out in KRS Chapter 126.

Section 71. Section 262.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) Within thirty days after a Watershed Conservancy District is created, nominating petitions may be filed with the board of supervisors for the election of a board of directors consisting of five members, who shall hold office for a term of four years, *or until a successor is qualified.* Such board of directors shall, under the supervision of the board of supervisors, be the governing body of the watershed conservancy district. The board of supervisors shall give due notice of the election of directors and shall, as nearly as practicable, conduct the election in the manner prescribed by KRS 262.220.

(2) If the territory embraced within a watershed conservancy district lies within more than one Soil *and Water* Conservation District, each of said additional districts with minority of the land involved in the watershed shall be entitled to elect three additional directors.

(3) The board of directors shall annually elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the

duties of his office to be approved by the board of directors. Such bond shall be executed with at least three solvent personal sureties whose solvency must exceed the amount of the bond, or by a surety company authorized to do business in this State, and shall be in an amount determined by the board of directors. If the treasurer is required to execute a surety company bond, the premium on the bond shall be paid by the board of directors.

(4) Each person desiring to be a director of a watershed conservancy district shall file a nominating petition with the board of supervisors of the county in which he is a land owner and legal resident, signed by twenty-five or more land owners within the watershed conservancy district of the county involved, or, if less than fifty land owners are involved a majority of such land owners. Nominating petition for the election of any director following the first election of members of the board after creation of the district shall be filed with the board of supervisors not less than forty-five days prior to the day of the regular election. If the candidates nominated do not exceed the positions available, they shall be declared elected. No person shall be eligible to be a director of a watershed conservancy district who is not a land owner within the watershed and resident of the county in which the watershed is located.

Section 72. Section 262.745 of the Kentucky Revised Statutes is amended to read as follows:

Subject to the approval of the board of supervisors, the board of directors of a watershed conservancy district shall have power to:

(1) Levy an annual tax on the real property within the district within the limitations provided in KRS 262.760 for administration, construction, operation and maintenance of works of improvement within the district.

(2) Acquire by purchase, gift, grant, bequest, devise, or through condemnation proceedings in the manner provided in KRS 104.170, *the fee simple title or any lesser interest in land including easements and flowage rights* [such lands or rights of way] as are necessary for the exercise of any authorized function of the district, and for such purpose, may cause examinations and surveys to be made of any lands, *easements* or rights of way

necessary for the performance of any authorized function of the district.

(3) Construct, improve, operate and maintain such structures as may be necessary for the performance of any function authorized by KRS 262.700 to 262.795.

(4) Borrow such money as is necessary for the purpose of acquiring *lands or* rights of way and establishing, constructing, reconstructing, repairing, enlarging and maintaining such structures and improvements as are required by the district in the performance of its functions, and issue, negotiate and sell its bonds as provided in KRS 262.750.

Section 73. Section 262.777 of the Kentucky Revised Statutes is amended to read as follows:

In the event the income derived by a watershed conservancy district by taxation as provided by *KRS 262.745(1)* [KRS 262.745 (2)] and 262.760 shall prove inadequate to carry out the approved program of the district, or constitutional limitations on indebtedness do not permit the borrowing of funds by the district as authorized by KRS 262.745 (4) and 262.750, a special assessment may be voted and bonds issued which shall be payable solely from the collection of such assessments, as provided in the following sections of KRS 262.778 and 262.779.

Section 74. Section 262.778 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon determination by the board of directors of a watershed conservancy district that a watershed project is necessary, and upon approval of the plans for same by the board of supervisors, the board of directors shall adopt a resolution which shall set out: (a) a description of the project in general terms, (b) a list of the benefited lands located in the flood plain, as determined by the board of directors, giving the acreage of such lands and the names of the owners thereof as defined by KRS 262.010 (6) with a classification of such lands or parts thereof into classes in order that assessments may be made according to direct benefits, (c) the total cost of the project, and (d) the fact that the cost shall be met by a bond issue payable solely from annual assessments to be levied upon the lands set out in the

resolution on the basis of a certain amount per acre according to benefits received, not to exceed in any one year a sum per acre specified in the resolution, with the annual assessments to extend over a period of years specified in the resolution not to exceed thirty years.

(2) The board of directors shall cause due notice of the resolution to be given [either by publishing the resolution as provided in KRS 262.010 (4) or by mailing copies of the resolution] to all the owners of benefited lands, as determined by the board. Said notice shall set out the time and place of a meeting of the board of directors of the watershed conservancy district at which owners of benefited lands who may be liable for the annual assessments may be heard.

(3) At the hearing upon the resolution owners of benefited lands may voice their views concerning the proposed project as to whether said project should be undertaken, and the scope thereof, or the propriety of placing their lands in the project area or the degree of benefit received by their lands. The board shall prepare a record summarizing the proceedings. If the board of directors determines as a result of the hearing that the project should be carried out as planned it may make such changes or revisions in the resolution as it deems proper and shall give due notice of an election to be held at which benefited land owners may vote on the question of annual special assessments to defray the cost of the project. The notice of the election shall include the text of the resolution of the board in its final form. The board of directors may give due notice as provided in KRS 262.010(4). [or by registered mail addressed to each owner of benefited land.]

(4) The board of directors shall prepare official ballots to be used in the election which shall state the question: "Should the assessment proposed by resolution of the _____ Watershed Conservancy District be adopted?" Squares indicating a yes or no answer should follow the question with a direction to insert an "X" mark in the square favored. Only owners of benefited land as set out in the resolution shall be eligible to vote. The board of directors may provide for a meeting of the land owners at which the vote may be cast, in which case qualified voters may vote by absentee ballot. [or may distribute

ballots by registered mail to all eligible land owners] The board shall appoint a polling superintendent and other necessary election officers, giving representation to the opponents of the question as well as to proponents.

(5) If a majority of those voting upon the proposition favor the assessment the board shall give due notice of the vote and the fact that bonds will forthwith be issued payable from special assessments. Any owner of property to be benefited by the project may, within forty days after publication of such notice, file an action in the circuit court of the county in which his lands are located seeking relief by declaratory judgment or injunction. If a suit is filed the county attorney should represent the board of directors in upholding the validity of the proposed bond issue. After the lapse of time specified herein all actions by owners of properties to be benefited shall be forever barred.

(6) If no suit is filed and no injunction issued within the time allowed in subsection (5) of this section the board of directors shall by resolution authorize the issuance of bonds designated "Watershed Project Assessment Bonds", determining the principal amount thereof and establishing the denominations and maturity dates thereof and shall levy an annual assessment effective only upon the benefited properties and based on the acreage thereof. The annual rate of such assessment shall be fixed when other taxes of the district are levied and shall be sufficient in each year to provide for the payment of such bonds and interest coupons as they mature and sufficient to provide a fund equal to twenty percent of the average annual principal and interest requirements, the same to constitute a "debt service reserve" as a precaution against possible default by failure to collect annual levies. The bonds shall state on their face that they do not constitute a debt of the district but are payable solely from collection of special assessments made upon benefited lands lying in the watershed conservancy district.

Section 75. A new section of Chapter 262 of the Kentucky Revised Statutes is created to read as follows:

Where a watershed conservancy district has been discontinued as provided in KRS 262.791 and all obligations of the district have been met, any funds or assets of the district shall be

transferred to the Soil and Water Conservation District to be used solely for the development of soil and water conservation practices in the area from which the tax was collected. In the event that the area of the discontinued watershed conservancy district encompassed two or more Soil and Water Conservation Districts, any funds or assets to be handed over shall be prorated among the Soil and Water Conservation Districts according to the percentage of revenue contributed by the land owners within each such Soil and Water Conservation District.

PART 4

Section 76. Section 433.750 of the Kentucky Revised Statutes is amended to read as follows:

Any person who picks, pulls, digs, tears up, cuts, breaks, burns or otherwise damages any tree, shrub, flower, vine, bush or turf on the right of way of any state highway or county road or upon any land set aside, dedicated or maintained by this state as a public park or as a refuge or sanctuary for wild animals, birds or fish, [or deposits, throws or leaves any trash, debris or litter upon any such public highway or public land] without having first obtained permission in writing of the engineer having charge of the maintenance of the highway, or the superintendent or custodian of the park, refuge or sanctuary shall be fined not less than twenty-five dollars nor more than three hundred dollars.

Section 77. A new section of Chapter 433 of the Kentucky Revised Statutes is created to read as follows:

(1) Any person who places, deposits, throws or dumps, or causes to be placed, deposited, thrown or dumped, any garbage, swill, cans, bottles, glass, crockery, wood, trees or parts thereof, brush, scrap metal, junk, abandoned automobiles or parts thereof, paper, boxes, carcass of a dead animal, offal, trash, litter, debris or refuse of any kind whatsoever, in or upon any public or private highway or road, including any portion of the right of way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property, or in or upon any public park or other public property other than property designated or set aside as a public dump by the govern-

ing body having charge thereof, shall be guilty of a misdemeanor and fined not less than twenty-five dollars nor more than three hundred dollars.

(2) Any person operating a truck or other motor vehicle on any road or highway in such a manner or condition that the contents are blown or fall out of such vehicle upon or along the right of way of such road shall be guilty of a misdemeanor and fined not less than twenty-five dollars nor more than three hundred dollars.

(3) When any paper, waste material, litter or other refuse as described above is thrown or dropped from a motor vehicle, the operator thereof shall be deemed prima facie to have violated this section.

(4) It shall be the duty of the Kentucky State Police, county sheriffs and police officers, city police officers, and all other law enforcement and peace officers within their respective jurisdictions, to enforce the provisions of this section.

(5) Any city or county may offer and pay rewards for the giving of information leading to the arrest and conviction of any person, firm or corporation for a violation of this section.

(6) No portion of this section shall be construed to restrict a private owner in the use of his own private property except where otherwise prohibited by law.

Section 78. A new section of Chapter 433 of the Kentucky Revised Statutes is created to read as follows:

(1) Any person who places, deposits, throws or dumps, or causes to be placed, deposited, thrown or dumped, any trash, litter, debris or refuse of any kind whatsoever, including but not limited to, garbage, swill, cans, bottles, glass, crockery, wood, trees or parts thereof, brush, scrap metal, paper, and boxes, into or upon any lake, river, stream, creek or other body of water, or on the ice over such waters, or on the banks adjacent thereto, shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than three hundred dollars.

(2) When any trash, litter, debris or refuse as described above is thrown or dropped from a motor boat or vessel as defined

in KRS 235.010, the operator thereof shall be deemed prima facie to have violated this section.

(3) It shall be the duty of law enforcement officers of the Division of Boating as provided in KRS 235.310 and all other law enforcement and peace officers of the Commonwealth and its political subdivisions to enforce the provisions of this section.

(4) Any city or county may offer and pay rewards for the giving of information leading to the arrest and conviction of any person, firm or corporation for a violation of this section.

PART 5

Section 79. A new section of Chapter 350 of the Kentucky Revised Statutes is created to read as follows:

The Reclamation Commission is hereby authorized and empowered to adopt, after public hearing, reasonable regulations in order to formulate and establish effective programs for the control of surface soil disturbance in connection with mining as defined by the Interstate Mining Compact. Such regulations shall follow the general standards established in Article III of the Interstate Mining Compact. The Reclamation Commission shall have the authority to adopt such regulations prior to the effective date of the Interstate Mining Compact and irrespective of whether the State becomes a member or withdraws from membership in the Interstate Mining Compact. Nothing in this section shall be construed to grant the Reclamation Commission additional authority in regulating the strip mining of coal or clay, and the authority granted to the Reclamation Commission by this section shall be separate from the powers of the Commission already enacted relating to the strip mining of coal and clay.

The Committee on Public Health reported **HB 100,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 100,** AN ACT relating to food establishments, hotels, rooming houses, boarding houses and restaurants.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. This Act may be cited as the "Kentucky Hotel, Restaurant, and Food Service Establishment Act."

Section 2. As used in this Act unless the context clearly indicates otherwise:

(1) "Board" means the State Board of Health;

(2) "Department" means the State Department of Health;

(3) "Person" means any individual, partnership, corporation, firm or association;

(4) "Food" means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption;

(5) "Local health department" means any city, county, or city-county department of health;

(6) "Food processing establishment" means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption;

(7) "Food service establishment," except as otherwise provided in Subsections (10) and (11) of this section, means every building, structure, room, vehicle, enclosure or premise, permanent or temporary, used and maintained as a place where food intended for human consumption is kept, stored, prepared, offered for sale, sold, served or distributed, at retail, including food vending machines;

(8) "Hotel," except as otherwise provided in Subsections (9) and (10) of this section, means every building, structure or premise kept, used, maintained, advertised, or held out to the public as a place wherein four or more rooms are provided for the sleeping accommodations of the public and includes but is not limited to, motels, apartment hotels and tourist homes;

(9) "Rooming house" means every building, structure or premise kept, used, maintained, advertised or held out to the public as a place wherein four or more rooms are provided for

the sleeping accommodations of the public and where the proprietor deals with applicants individually with respect to terms and accommodations and may in his discretion exercise the right to accept or reject any or all applicants;

(10) "Boarding house" means a rooming house as defined in Subsection (9) of this section wherein meals are served or provided by the proprietor;

(11) "Restaurant" means every building, structure, room, vehicle, enclosure or premise kept, used, maintained, or advertised or held out to the public as a place where meals and lunches are served without sleeping accommodations, including but not limited to the following: restaurants, coffee shops, cafeterias, luncheonettes, taverns, sandwich stands, vending machines, soda fountains, in-plant feeding establishments, and all other eating or drinking establishments, including kitchens, and other places where food or drink is prepared for consumption elsewhere;

(12) "Vending machine" means any self service device which upon insertion of coins or tokens dispenses unit servings of food or drink other than candy, soft drinks or chewing gum;

(13) "Proprietor" means the owner, lessee, manager, agent or the person in charge of any food establishment, hotel, rooming house, boarding house or restaurant.

Section 3. (1) No person shall operate a hotel, rooming house, boarding house or restaurant without having first obtained a permit to operate as provided for in this Act. An application for a permit to operate any such establishment shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be prescribed by the board.

(2) Food processing establishments shall be exempt from the necessity of obtaining a permit under the provisions of this Act but shall comply with all other requirements of this Act.

(3) Each application for a permit to operate a hotel, rooming house or boarding house shall be accompanied by a fee of

ten dollars, plus fifty cents for each bedroom in excess of twenty to and including fifty bedrooms; twenty-five cents for each bedroom in excess of fifty to and including one hundred bedrooms; and ten cents for each bedroom in excess of one hundred rooms.

(4) Each application for a permit to operate a restaurant shall be accompanied by a fee in accordance with the following provisions:

(a) For restaurants with specific seating capacity, a fee of ten dollars plus ten cents for each chair, stool or space where persons will sit in excess of ten but no fee to exceed fifty dollars. For the purposes of this section, definite space allocated to vehicles in drive-in restaurants shall be treated as chair spaces.

(b) For walk-in restaurants offering no seating capacity, a fee of twenty-five dollars for each serving window but no fee shall exceed fifty dollars.

(c) Vending machines will be accompanied by a minimum fee of ten dollars for the commissary establishment plus one dollar for each vending machine, except that soft drink and candy machines shall be exempt from this requirement.

(5) In the event the proprietor of a hotel also operates one or more restaurants, under the same roof, a separate application shall be made to the department with the required permit fees and a separate permit shall be obtained for each such establishment.

Section 4. (1) Upon receipt of an application for a permit to operate a hotel, rooming house, boarding house or restaurant, accompanied by the permit fee, the department shall issue a permit if such establishment meets the requirements of this Act and the rules and regulations of the board.

(2) Each permit to operate, unless denied, suspended or revoked, shall expire on December 31 following its date of issuance and be renewable annually thereafter upon application accompanied by a renewal fee in the amounts prescribed by Section 3 of this Act, provided such establishment is in compliance with all the requirements of this Act and the rules and regulations adopted by the board.

(3) Permits heretofore issued by the department for the calendar year 1966 shall continue in force until December 31, 1966.

(4) Each permit to operate shall be issued only for the premises and persons named in the application, and shall not be transferable.

(5) Permits to operate shall be posted in a conspicuous place at such establishment.

(6) Hotels, rooming houses, boarding houses and restaurants operated by state or governmental units shall obtain a permit to operate but shall be exempt from the payment of fees and shall comply with all other requirements of this Act.

Section 5. The proprietor of a food establishment, hotel, rooming house, boarding house, or restaurant shall:

(1) Be a responsible person;

(2) Comply with all local zoning regulations;

(3) Furnish an adequate and convenient supply of water of safe, sanitary quality, approved by the department, as well as an adequate supply of hot water;

(4) Dispose of all sewage and other water-carried wastes into a public sewage system whenever available; however, where sewer connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which is approved by the department;

(5) Supply a sufficient number of adequate fly proof, rodent proof and water tight containers for the storage of garbage and rubbish or in lieu thereof provide such other method of storage as is approved by the department;

(6) Dispose of garbage and rubbish in a manner which is approved by the department;

(7) Not allow a public health nuisance to be created or allow a public health nuisance to continue to exist;

(8) Provide furniture, equipment, implements, machinery, linens and utensils of such construction and material as to be easily cleaned;

(9) Provide for sanitization and proper storage of furniture, equipment, implements, machinery, linens and utensils in accordance with the regulations of the board;

(10) Employ adequate insect and rodent control measures;

(11) Prevent food contamination by insects, flies, rodents and other animals;

(12) Protect food within the establishment or during transportation from flies, dust, dirt, and all other contamination;

(13) Store or hold food under such conditions and manner as prescribed by the regulations of the board;

(14) Not permit any person to sleep in any area where food is prepared, served or stored unless all foods therein are in hermetically sealed packages;

(15) Not permit any person to expectorate on food, utensils, equipment, floors or walls;

(16) Not permit any person who is affected with any acute respiratory or acute intestinal illness or any other disease in a communicable stage, or with open lesions or open cuts, to work;

(17) Notify immediately the local health department of any suspected communicable disease;

(18) Comply with all rules and regulations of the board.

Section 6. Every food establishment, hotel, rooming house, boarding house or restaurant shall be:

(1) Of adequate size;

(2) Constructed of such materials, that floors, walls and ceilings are easily cleanable;

(3) Maintained and kept in good repair, including floors, walls, ceilings, furniture, equipment, implements, machinery, linens and utensils;

(4) Plumbed in accordance with the State Plumbing Code;

(5) Properly lighted, heated, drained and ventilated;

(6) Provided with adequate and convenient toilet and lavatory facilities;

(7) Free of rodent and insect harborages;

(8) So located that drainage from the establishment will not endanger any water supply;

(9) Conducted in strict regard to the influence of all conditions upon the health and safety of those employed therein, and upon the purity and wholesomeness of the food therein or elsewhere and

(10) Operated in accordance with the rules and regulations of the State Fire Marshal.

Section 7. In addition to the requirements of Sections 3 and 4 of this Act, the proprietor of a hotel, rooming house, or boarding house shall provide:

(1) Proper cleaning of furniture, equipment, furnishings, and linens;

(2) Clean sanitized individual towels of paper or cloth for each guest;

(3) An adequate number of clean, sanitized individual towels of paper or cloth for each rest room or in lieu thereof provide facilities for drying approved by the department;

(4) Adequate, clean bedding in good repair.

Section 8. No person shall construct, install, or extensively alter a food establishment, hotel, rooming house, boarding house or restaurant without having first obtained the approval of the department in writing of the plans and specifications. A plot plan and detailed plans and specifications of the proposed facility showing the plumbing system, sewage disposal system, water supply system, use and location of rooms, material of construction, location of equipment, lighting, heating, and ventilation, shall be submitted to the department prior to the construction or alteration of the facility. In the event a public sewer is not available, the plan shall include the proposed type of sewage disposal system. All plans and specifications shall be submitted in accordance with the regulations of the board to the department

through the local health department concerned. The construction, installation or alteration shall be done in accordance with the approved plans.

Section 9. Persons employed in a food establishment, hotel, rooming house, boarding house or restaurant shall meet all requirements hereinafter set forth by the board under a uniform sanitary code.

Section 10. Any condition, when upon inspection of a food establishment, hotel, rooming house, boarding house, or restaurant, is found to be detrimental to public health or contrary to any of the provisions of this Act, or any rules and regulations promulgated hereunder, is hereby declared to be a public health nuisance. No person shall unlawfully maintain, allow, or permit to exist a public health nuisance as defined in this section.

Section 11. (1) The department, local health departments and the duly appointed agents of such, shall enforce the provisions of the Act. For this purpose such agents shall have the authority at any reasonable time to enter and inspect any food establishment, hotel, rooming house, boarding house or restaurant.

(2) If upon inspection there is found any violation of this Act or of the rules or regulations of the board, or if the operation of the establishment is being conducted in a manner detrimental to the health of the employees or safety of guests, or to the wholesomeness or purity of food, the agent makng the inspection shall report the conditions and violations to the department or to the local health department concerned.

(3) The department or local health department to whom the report is made shall thereupon issue a written order to the person responsible for the violation or condition to abate the condition or violation or to make the changes or improvements necessary to abate them within a reasonable time as fixed in the order. Notice of the order may be served by delivering a copy to the person, or by sending a copy by registered mail, in which case the post office receipt shall be prima facie evidence that the notice was received. The person shall have the right to appear in person or by attorney before the department or local

health department issuing the notice or the person appointed for that purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show cause why the order or instructions should not be obeyed. The hearings shall be under rules and regulations prescribed by the board. If after the hearing it appears that the provisions of this Act have not been violated, the order shall be rescinded. If it appears that the provisions of this Act are being violated, and that the person notified is responsible therefor, the previous order shall be confirmed or amended as the facts warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with the final order. If the person is not present or represented when the final order is made, notice thereof shall be given as above provided. If the person fails to comply with the first order within the time prescribed when no hearing is requested, or fails to comply with the final order within the time specified, the facts shall be certified to the commonwealth, county, or city attorney in whose jurisdiction the violation occurred, and such attorney shall proceed against the person for the applicable fines and penalties, and for abatement of the public health nuisance as provided in this Act.

(4) In addition to the remedies herein provided, the department or the local health department concerned is hereby authorized to apply to the appropriate circuit court for a temporary or permanent injunction restraining any person from violating any provision of this Act irrespective of whether or not there exists an adequate remedy at law.

Section 12. (1) When any duly authorized agent of the department or of a local health department finds any article of food that is adulterated, or any other article or substance that is detrimental to public health, he shall affix to such article a tag or other appropriate marking, giving notice that such article is suspected of being adulterated or detrimental to public health and has been quarantined and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such quarantined article by sale or otherwise without such permission.

(2) When an article quarantined under Subsection (1) of this section has been found by such agent to be adulterated or dangerous to public health, he shall petition the judge of the police, county, or circuit court in whose jurisdiction the article is found for an order for condemnation of such article; provided, however, that nothing in this section shall require that such agent shall go to court if destruction of the quarantined article is accomplished by agreement made in writing with the owner of the article. When such agent has found that an article so quarantined is not adulterated, he shall remove the tag or other marking.

(3) If the court finds that a quarantined article is adulterated or dangerous to public health, such article shall, after entry of the order, be destroyed at the expense of the claimant thereof under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided, however, that when the adulteration can be corrected by proper processing of the article, the court, after entry of the order and after such costs, fees and expenses have been paid and a good and sufficient bond conditioned that such article shall be so processed has been executed, may by order direct that such article be delivered to the claimant thereof for such processing under the supervision of an agent of the department or any local health department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the department or local health department that the article is no longer in violation of this Act and that the expenses of such supervision have been paid.

Section 13. (1) The State Fire Marshal or his duly authorized agents or representatives shall enforce all state fire prevention laws, standards of safety, and rules and regulations adopted by the Commissioner of Public Safety, relating to food establishments, hotels, rooming houses, boarding houses and restaurants.

(2) The State Fire Marshal or his duly authorized agents or representatives are hereby authorized and empowered to apply to the appropriate circuit court for a temporary or permanent injunction to restrain any person from violating any state fire prevention laws, standards of safety, or rules and regulations

adopted by the Commissioner of Public Safety irrespective of whether or not there exists an adequate remedy at law.

Section 14. The board shall adopt rules and regulations for the proper administration and enforcement of this Act. Said rules and regulations shall apply state-wide. All other rules and regulations of any governmental body whatsoever shall be equal to or higher than those set by the board. However, the board in its discretion may by agreement, contract with local boards to enforce the provisions of this Act and the rules and regulations promulgated pursuant thereto.

Section 15. In those instances where such agreement is reached of the fees derived from those businesses within the jurisdiction of the local board shall be transferred to the local board from the fund created by Section 16 to be used exclusively in carrying out the provisions of this Act and the rules and regulations of the board.

Section 16. All fees collected by the department under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the department in defraying the costs and expenses of the department in the administration of this Act. No part of this fund shall revert to the general funds of the Commonwealth.

Section 17. (1) The department may suspend or revoke the permit of any hotel, rooming house, boarding house or restaurant for violation of any provision of this Act or of any rule or regulation of the board.

(2) In every proceeding for suspension or revocation of a permit, the department shall furnish the holder of the permit with written notice setting out the substance of each offense charged, with sufficient detail to reasonably appraise such person of the nature, time and place thereof. No hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the permit.

(3) Service of notice may be made in the manner prescribed by law for the service of civil processes, or may be made by any employee of the department personally delivering same

to the holder of the permit, or by the department forwarding same to the holder of the permit by United States registered mail at the address of the holder as reflected by the records of the department.

(4) Hearings shall be conducted by a hearing committee consisting of the Commissioner of Health, the Director of the Division of Environmental Health or their duly authorized representatives and one citizen to be appointed by the Governor from a list of eligible persons submitted by the food service industry. Such members shall have the powers enumerated in KRS 211.220 and enforce them pursuant to KRS 211.230.

(5) The holder of the permit proceeded against shall be known as the "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) The department shall notify the holder of the permit by registered United States mail of the decision of the department, which decision shall become final and conclusive thirty days after notice thereof.

(7) Any holder of a permit who is aggrieved by an order of the department may procure a declaration of rights under the Declaratory Judgment Act by filing within thirty days after notice of the order, a complaint in equity against the department in the circuit court of the county in which the department maintains its principal offices, together with a bond with good and sufficient sureties to cover all costs. Summons and a copy of the complaint shall be served upon the Commissioner of Health and the commissioner shall within thirty days thereafter file with th court a transcript of the record of hearing together with a certified copy of the order complained of. The department may file an answer or such other pleadings as it considers appropriate and the court shall, after considering the transcript of the evidence and the department's order, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the department is not sustained the court shall, upon the request of the department, remand the case for further proceedings. Any party aggrieved by the final judg-

ment, order or decree rendered in the case by the circuit court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided by law.

Section 18. Any person who violates any of the provisions of this Act, or any rule or regulation adopted thereunder, or who operates a hotel, rooming house, boarding house or restaurant without a permit as prescribed in this Act, or who fails to comply with any order of the department or of any local health department issued pursuant thereto or under provisions of Section 11 of this Act, or with any order issued by the State Fire Marshal for violation of fire prevention rules and regulations or standards of safety adopted by the Commissioner of Public Safety relating to food establishments, hotels, rooming houses, boarding houses, and restaurants, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not more than thirty days, or both, and for any subsequent offense shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not more than ninety days, or both. Each day of violation or non-compliance shall constitute a separate offense.

Section 19. Sections 219.010, 219.020, 219.030, 219.040, 219.050, 219.060, 219.070, 219.080, 219.090, 219.100, 219.110, and Subsection (1) of Section 219.990 of the Kentucky Revised Statutes are hereby repealed.

**Committee Substitute HB 100,** AN ACT relating to hotels, rooming houses, boarding houses and restaurants.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. This Act may be cited as the "Kentucky Hotel and Restaurant Act."

Section 2. As used in this Act unless the context clearly indicates otherwise:

(1) "Board" means the State Board of Health;

(2) "Department" means the State Department of Health;

(3) "Person" means any individual, partnership, corporation, firm or association;

(4) "Food" means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption;

(5) "Local health department" means any city, county, or city-county department of health;

(6) "Hotel," except as otherwise provided in Subsections (9) and (10) of this section, means every building, structure or premise kept, used, maintained, advertised, or held out to the public as a place wherein four or more rooms are provided for the sleeping accommodations of the public and includes but is not limited to, motels, apartment hotels and tourist homes;

(7) "Rooming house" means every building, structure or premise kept, used, maintained, advertised, or held out to the public as a place wherein four or more rooms are provided for the sleeping accommodations of the public and where the proprietor deals with applicants individually with respect to terms and accommodations and may in his discretion exercise the right to accept or reject any or all applicants;

(8) "Boarding house" means a rooming house as defined in Subsection (9) of this section wherein meals are served or provided by the proprietor;

(9) "Restaurant" means every building, structure, room, vehicle, enclosure or premise kept, used, maintained, or advertised or held out to the public as a place where meals and lunches are served without sleeping accommodations, including but not limited to the following: restaurants, coffee shops, cafeterias, luncheonettes, taverns, sandwich stands, vending machines, soda fountains, in-plant feeding establishments, and all other eating or drinking establishments and including kitchens, where food or drink is prepared for consumption elsewhere.

(10) "Vending machine" means any self service device which upon insertion of coins or tokens dispenses unit servings of food or drink other than candy, soft drinks or chewing gum;

(11) "Proprietor" means the owner, lessee, manager, agent

or the person in charge of any food establishment, hotel, rooming house, boarding house or restaurant.

Section 3. (1) No person shall operate a hotel, rooming house, boarding house or restaurant without having first obtained a permit to operate as provided for in this Act. An application for a permit to operate any such establishment shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be prescribed by the board.

(3) Each application for a permit to operate a hotel, rooming house or boarding house shall be accompanied by a fee of ten dollars, plus fifty cents for each bedroom in excess of twenty to and including fifty bedrooms; twenty-five cents for each bedroom in excess of fifty to and including one hundred bedrooms; and ten cents for each bedroom in excess of one hundred rooms.

(4) Each application for a permit to operate a restaurant shall be accompanied by a fee in accordance with the following provisions:

(a) For restaurants with specific seating capacity, a fee of ten dollars plus ten cents for each chair, stool or space where persons will sit in excess of ten but no fee to exceed fifty dollars. For the purposes of this section, definite space allocated to vehicles in drive-in restaurants shall be treated as chair spaces.

(b) For walk-in restaurants offering no seating capacity, a fee of twenty-five dollars for each serving window but no fee shall exceed fifty dollars.

(c) Vending machines will be accompanied by a minimum fee of ten dollars for the commissary establishment plus one dollar for each vending machine, except that soft drink and candy machines shall be exempt from this requirement.

(5) In the event the proprietor of a hotel also operates one or more restaurants, under the same roof, a separate application shall be made to the department with the required permit fees and a separate permit shall be obtained for each such establishment.

Section 4. (1) Upon receipt of an application for a permit to operate a hotel, rooming house, boarding house or restaurant, accompanied by the permit fee, the department shall issue a permit if such establishment meets the requirements of this Act and the rules and regulations of the board.

(2) Each permit to operate, unless denied, suspended or revoked, shall expire on December 31 following its date of issuance and be renewable annually thereafter upon application accompanied by a renewal fee in the amounts prescribed by Section 3 of this Act, provided such establishment is in compliance with all the requirements of this Act and the rules and regulations adopted by the board.

(3) Permits heretofore issued by the department for the calendar year 1966 shall continue in force until December 31, 1966.

(4) Each permit to operate shall be issued only for the premises and persons named in the application, and shall not be transferable.

(5) Permits to operate shall be posted in a conspicuous place at such establishment.

(6) Hotels, rooming houses, boarding houses and restaurants operated by state or governmental units shall obtain a permit to operate but shall be exempt from the payment of fees and shall comply with all other requirements of this Act.

Section 5. The proprietor of a hotel, rooming house, boarding house, or restaurant shall:

(1) Be a responsible person;

(2) Comply with all local zoning regulations;

(3) Furnish an adequate and convenient supply of water of safe, sanitary quality, approved by the department, as well as an adequate supply of hot water;

(4) Dispose of all sewage and other water-carried wastes into a public sewage system whenever available; however, where sewer connections are not available, disposal shall be into a private

system which includes a sanitary means of disposal, the operation of which is approved by the department;

(5) Supply a sufficient number of adequate fly proof, rodent proof and water tight containers for the storage of garbage and rubbish or in lieu thereof provided such other method of storage as is approved by the department;

(6) Dispose of garbage and rubbish in a manner which is approved by the department;

(7) Not allow a public health nuisance to be created or allow a public health nuisance to continue to exist;

(8) Provide furniture, equipment, implements, machinery, linens and utensils of such construction and material as to be easily cleaned;

(9) Provide for sanitization and proper storage of furniture, equipment, implements, machinery, linens and utensils in accordance with the regulations of the board;

(10) Employ adequate insect and rodent control measures;

(11) Prevent food contamination by insects, flies, rodents and other animals;

(12) Protect food within the establishments or during transportation from flies, dust, dirt, and all other contamination;

(13) Store or hold food under such conditions and manner as prescribed by the regulations of the board;

(14) Not permit any person to sleep in any area where food is prepared, served or stored unless all foods therein are in hermetically sealed packages;

(15) Not permit any person to expectorate on food, utensils, equipment, floors or walls;

(16) Not permit any person who is affected with any acute respiratory or acute intestinal illness or any other disease in a communicable stage, or with open lesions or open cuts, to work;

(17) Notify immediately the local health department of any suspected communicable disease;

(18) Comply with all rules and regulations of the board.

Section 6. Every hotel, rooming house, boarding house or restaurant shall be:

(1) Of adequate size;

(2) Constructed of such materials, that floors, walls and ceilings are easily cleanable;

(3) Maintained and kept in good repair, including floors, walls, ceilings, furniture, equipment, implements, machinery, linens and utensils;

(4) Plumbed in accordance with the State Plumbing Code;

(5) Properly lighted, heated, drained and ventilated;

(6) Provided with adequate and convenient toilet and lavatory facilities;

(7) Free of rodent and insect harborages;

(8) So located that drainage from the establishment will not endanger any water supply;

(9) Conducted in strict regard to the influence of all conditions upon the health and safety of those employed therein, and upon the purity and wholesomeness of the food therein or elsewhere; and

(10) Operated in accordance with the rules and regulations of the State Fire Marshal.

Section 7. In addition to the requirements of Section 3 and 4 of this Act, the proprietor of a hotel, rooming house, or boarding house shall provide:

(1) Proper cleaning of furniture, equipment, furnishings, and linens;

(2) Clean sanitized individual towels of paper or cloth for each guest;

(3) An adequate number of clean, sanitized individual towels of paper or cloth for each rest room or in lieu thereof provide facilities for drying approved by the department;

(4) Adequate, clean bedding in good repair.

Section 8. No person shall construct, install, or extensively alter a hotel, rooming house, boarding house or restaurant without having first obtained the approval of the department in writing of the plans and specifications. A plot plan and detailed plans and specifications of the proposed facility showing the plumbing system, sewage disposal system, water supply system, use and location of rooms, material of construction, location of equipment, lighting, heating, and ventilation, shall be submitted to the department prior to the construction or alteration of the faciliy. In the event a public sewer is not available, the plan shall include the proposed type of sewage disposal system. All plans and specifications shall be submitted in accordance with the regulations of the board to the department through the local health department concerned. The construction, installation or alteration shall be done in accordance with the approved plans.

Section 9. Persons employed in a hotel, rooming house, boarding house or restaurant shall meet all requirements hereinafter set forth by the board under a uniform sanitary code.

Section 10. Any condition, when upon inspection of a hotel, rooming house, boarding house, or restaurant, is found to be detrimental to public health or contrary to any of the provisions of this Act, or any rules and regulations promulgated hereunder, is hereby declared to be a public health nuisance. No person shall unlawfully maintain, allow, or permit to exist a public health nuisance as defined in this section.

Section 11. (1) The department, local health departments and the duly appointed agents of such, shall enforce the provisions of the Act. For this purpose such agents shall have the authority at any reasonable time to enter and inspect any hotel, rooming house, boarding house or restaurant.

(2) If upon inspection there is found any violation of this Act or of the rules or regulations of the board, or if the operation of the establishment is being conducted in a manner detrimental to the health of the employees or safety of guests, or to the wholesomeness or purity of food, the agent making the inspection shall report the conditions and violations to the department or to the local health department concerned.

(3) The department or local health department to whom the report is made shall thereupon issue a written order to the person responsible for the violation or condition to abate the condition or violation or to make the changes or improvements necessary to abate them within a reasonable time as fixed in the order. Notice of the order may be served by delivering a copy to the person, or by sending a copy by registered mail, in which case the post office receipt shall be prima facie evidence that the notice was received. The person shall have the right to appear in person or by attorney before the department or local health department issuing the notice or the person appointed for that purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show cause why the order or instructions should not be obeyed. The hearings shall be under rules and regulations prescribed by the board. If after the hearing it appears that the provisions of this Act have not been violated, the order shall be rescinded. If it appears that the provisions of this Act are being violated, and that the person notified is responsible therefor, the previous order shall be confirmed or amended as the facts warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with the final order. If the person is not present or represented when the final order is made, notice thereof shall be given as above provided. If the person fails to comply with the first order within the time prescribed when no hearing is requested, or fails to comply with the final order within the time specified, the facts shall be certified to the commonwealth, county, or city attorney in whose jurisdiction the violation occurred, and such attorney shall proceed against the person for the applicable fines and penalties, and for abatement of the public health nuisance as provided in this Act.

(4) In addition to the remedies herein provided, the department or the local health department concerned is hereby authorized to apply to the appropriate circuit court for a temporary or permanent injunction restraining any person from violating any provision of this Act irrespective of whether or not there exists an adequate remedy at law.

Section 12. (1) When any duly authorized agent of the department or of a local health department finds any article of

food that is adulterated, or any other article or substance that is detrimental to public health, he shall affix to such article a tag or other appropriate marking, giving notice that such article is suspected of being adulterated or detrimental to public health and has been quarantined and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such quarantined article by sale or otherwise without such permission.

(2) When an article quarantined under Subsection (1) of this section has been found by such agent to be adulterated or dangerous to public health, he shall petition the judge of the police, county, or circuit court in whose jurisdiction the article is found for an order for condemnation of such article; provided, however, that nothing in this section shall require that such agent shall go to court if destruction of the quarantined article is accomplished by agreement made in writing with the owner of the article. When such agent has found that an article so quarantined is not adulterated, he shall remove the tag or other marking.

(3) If the court finds that a quarantined article is adulterated or dangerous to public health, such article shall, after entry of the order, be destroyed at the expense of the claimant thereof under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided, however, that when the adulteration can be corrected by proper processing of the article, the court, after entry of the order and after such costs, fees and expenses have been paid and a good and sufficient bond conditioned that such article shall be so processed has been executed, may by order direct that such article be delivered to the claimant thereof for such processing under the supervision of an agent of the department or any local health department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the department or local health department that the article is no longer in violation of this Act and that the expenses of such supervision have been paid.

Section 13. (1) The State Fire Marshal or his duly authorized agents or representatives shall enforce all state fire prevention laws, standards of safety, and rules and regulations adopted by the Commissioner of Public Safety, relating to hotels, rooming houses, boarding houses and restaurants.

(2) The State Fire Marshal or his duly authorized agents or representatives are hereby authorized and empowered to apply to the appropriate circuit court for a temporary or permanent injunction to restrain any person from violating any state fire prevention laws, standards of safety, or rules and regulations adopted by the Commissioner of Public Safety irrespective of whether or not there exists an adequate remedy at law.

Section 14. The board shall adopt rules and regulations for the proper administration and enforcement of this Act. Said rules and regulations shall apply state-wide. All other rules and regulations of any governmental body whatsoever shall be equal to or higher than those set by the board. However, the board in its discretion may by agreement, contract with local boards to enforce the provisions of this Act and the rules and regulations promulgated pursuant thereto.

Section 15. "In those instances where the department and a local health department agree, the local health department may assume the administration of this Act subject to the direction of the department. Fees necessary to implement the program at the local level shall be transferred to the local health department from the fund created by Section 16 to be used exclusively in carrying out the provisions of this Act and the rules and regulations promulgated pursuant thereto."

Section 16. All fees collected by the department under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the department in defraying the costs and expenses of the department in the administration of this Act. No part of this fund shall revert to the general funds of the Commonwealth.

Section 17. (1) An alternative procedure for enforcement of this Act is hereby provided whereby the department may sus-

pend or revoke the permit of any hotel, rooming house, boarding house or restaurant for violation of any provision of this Act or of any rule or regulation of the board.

(2) In every proceeding for suspension or revocation of a permit, the department shall furnish the holder of the permit with written notice setting out the substance of each offense charged, with sufficient detail to reasonably appraise such person of the nature, time and place thereof. No hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the permit.

(3) Service of notice may be made in the manner prescribed by law for the service of civil processes, or may be made by any employe of the department personally delivering same to the holder of the permit, or by the department forwarding same to the holder of the permit by United States registered mail at the address of the holder as reflected by the records of the department.

(4) Hearings shall be conducted by a hearing committee consisting of the Commissioner of Health, the Director of the Division of Environmental Health or their duly authorized representatives and one citizen to be appointed by the Governor from a list of eligible persons submitted by the food service industry. Such members shall have the powers enumerated in KRS 211.220 and enforce them pursuant to KRS 211.230.

(5) The holder of the permit proceeded against shall be known as the "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) The department shall notify the holder of the permit by registered United States mail of the decision of the department, which decision shall become final and conclusive thirty days after notice thereof.

(7) Any holder of a permit who is aggrieved by an order of the department may procure a declaration of rights under the Declaratory Judgment Act by filing within thirty days after notice of the order, a complaint in equity against the department

in the circuit court of the county in which the department maintains its principal offices, together with a bond with good and sufficient sureties to cover all costs. Summons and a copy of the complaint shall be served upon the Commissioner of Health and the commissioner shall within thirty days thereafter file with the court a transcript of the record of hearing together with a certified copy of the order complained of. The department may file an answer or such other pleadings as it considers appropriate and the court shall, after considering the transcript of the evidence and the department's order, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the department is not sustained the court shall, upon the request of the department, remand the case for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the circuit court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided by law.

Section 18. Any person who violates any of the provisions of this Act, or any rule or regulation adopted thereunder, or who operates a hotel, rooming house, boarding house or restaurant without a permit as prescribed in this Act, or who fails to comply with any order of the department or of any local health department issued pursuant thereto or under provisions of Section 11 of this Act, or with any order issued by the State Fire Marshal for violation of fire prevention rules and regulations or standards of safety adopted by the Commissioner of Public Safety relating to food establishments, hotels, rooming houses, boarding houses, and restaurants, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not more than thirty days, or both, and for any subsequent offense shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not more than ninety days, or both. Each day of violation or non-compliance shall constitute a separate offense.

Section 19. Sections 219.010, 219.020, 219.030, 219.040, 219.050, 219.060, 219.070, 219.080, 219.090, 219.100, 219.110, and Subsection (1) of Section 219.990 of the Kentucky Revised Statutes are hereby repealed.

The Committee on Public Health reported **HB 130** with the expression of opinion that the same should not pass.

The Committee on Public Health reported **HB 144** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 144,** AN ACT relating to medical assistance for certain needy persons, providing for optometric services.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 205.510 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.510 to 205.610, 205.991 and 211.106, unless the context clearly requires a different meaning:

(1) "Council" means the Advisory Council for Medical Assistance;

(2) "Dentist" means a person authorized to practice dentistry under laws of the Commonwealth;

(3) "Federal-state medical care fund" means a trust and agency fund established, maintained, and operated by the Department of Economic Security as an arrangement to meet the cost of medical care for public assistance recipients and recipients of medical assistance for the aged and into which payments are made in behalf of each public assistance recipient and recipient of medical assistance for the aged covered by the fund. Such fund shall be irrevocable and shall not revert to the General Fund notwithstanding any provisions of the Budget Act of 1960 to the contrary.

(4) "Medical care" as used in this article means essential medical, surgical, dental, *optometric,* and nursing services, in the home, office, clinic, or other suitable place, which are provided or prescribed by physicians, *optometrists* or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care, hospital care as defined in KRS 205.560 (1) (a), and such other essential medical services and supplies as may be prescribed by such persons;

(5) "Nurses" means persons authorized to practice professional nursing under the laws of the Commonwealth;

(6) "Nursing Home" means a facility which provides routine medical care in which physicians regularly visit patients, which provides nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond that which the untrained person possesses, and which maintains complete records on patient care, and which is licensed pursuant to the provisions of KRS 216.400;

*(7) "Optometrist" means a person authorized to practice optometry under the laws of the Commonwealth:*

*(8)* [(7)] "Pharmacist" means a person authorized to practice pharmacy under the laws of the Commonwealth;

*(9)* [(8)] "Physician" means a person authorized to practice medicine or osteopathy under the laws of the Commonwealth;

*(10)* [(9)] "Public Assistance Recipient" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, public assistance under the provisions of KRS 205.010 to 205.340 or a needy person who is living with and essential to such recipient and is recognized in the determination of budgetary requirements for such payment;

*(11)* [(10)] "Recipient of Medical Assistance for the Aged" means an aged person sixty-five years of age and over and one who resides in this state (within the meaning of regulations issued by the Commissioner of Economic Security in conformity with federal requirements), and who is unable through his own income and resources to provide himself with essential medical care without depriving himself of necessary food, shelter, clothing, or the other necessities of life and who does not fall within the definition of "Public Assistance Recipient" as defined in subsection (9) of this section and who has been certified by the Division of Public Assistance of the Department of Economic Security as meeting the requirements of need;

*(12)* [(11)] "Medically Indigent Patient" means any person domiciled in this state treated in a nonprofit regional

hospital and who is in need of hospital care but who is unable through his own resources or through resources available to him to pay the hospitalization costs because of his economic condition and personal responsibilities and who is not eligible for, nor a recipient of medical care, under the definition of "Public Assistance Recipient" or "Recipient of Medical Assistance for the Aged," as set forth in subsections (9) and (10) of this section;

*(13)* [(12)] "Nonprofit regional hospital corporation" means a nonprofit hospital corporation organized under and pursuant to the provisions of KRS 205.514 and in accordance with the method and manner prescribed by KRS Chapter 273 for the organization of nonprofit corporations for religious, charitable or educational purposes;

*(14)* [(13)] "Vendor Payment" means a payment for medical care which is paid by the Department of Economic Security directly to the authorized person or institution which rendered medical care to a public assistance recipient or medical care to a recipient of medical assistance to the aged.

Section 2. Section 205.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) An Advisory Council for Medical Assistance shall be established in the state government. The council shall consist of *twelve* [eleven] members. The Commissioner of Health and the Commissioner of the Department of Economic Security shall be ex officio members. The other *ten* [nine] members of the council shall be appointed by the Governor and shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occuring for a term beginning on July 1, 1960, shall be as follows: Two members shall be appointed for one year, two for two years, two for three years, and three for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. *The term of the first optometrist member shall begin July 1, 1964.* Upon expiration of the respective terms of the members first appointed, the term of each successor shall be for four years or until his successor is appointed and qualified. Appointments shall be made one from each list of three nominees submitted by the following

organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Pharmaceutical Association; the Kentucky State Association of Registered Nurses; and the *Kentucky Optometric Association.* The other four appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments. No nominee or member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining original representations.

(4) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired.

Section 3. Section 205.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) The scope of medical care for which the Department of Economic Security undertakes to pay shall be designated and limited by regulations promulgated by said department, pursuant to the provisions hereof. The selection of the class or classes of medical care shall be recommended by the council to the Commissioner of the Department of Economic Security and the Commissioner of the Department of Health after taking into consideration, among other things, the amount of federal and state funds available, the most essential needs of public assistance recipients and recipients of medical assistance for the aged, and the meeting of such need on a basis insuring the greatest amount of medical care as defined in KRS 205.510 consonant with the funds available including but not limited to the following categories:

(a) Hospital care, including drugs, and medical supplies and services during any period of actual hospitalization;

(b) Nursing home care, including medical supplies and services, and drugs during confinement therein on prescription of a physician or dentist;

(c) Drugs, nursing care, and medical supplies and services during the time when a recipient is not in a hospital but is under treatment and on the prescription of a physician or dentist;

(d) Physician, dental and *optometric* services.

(2) Payments for hospital care, nursing home care, and drugs or other medical, *ophthalmic* and dental supplies shall be on basis which relate the amount of the payment to the cost of providing such services or supplies. It shall be one of the functions of the council to make recommendations to the Department of Health with respect to such bases for payment.

(3) No vendor payment shall be made unless the class and type of medical care rendered and the cost basis therefor has first been designated by regulation.

(4) The range of medical care benefit standards provided and the quality and quantity standards and the methods for determining cost formulae for vendor payments within each category of public assistance and other recipients shall be uniform for the entire state, and shall be designated by regulation promulgated within the limitations established by the Medical Assistance Act of 1960, as amended herein, and federal law, including the Social Security Amendments of 1960. The amount of payments for units of services need not be uniform for the entire state but may vary from county to county and from city to city, as well as among hospitals, based on the prevailing cost of medical care in such locale and other local economic and geographic conditions.

Section 4. Section 205.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following technical advisory commitees shall be established for the purpose of acting in an advisory capacity to the council with respect to the administration of KRS 205.510 to 205.610, 205.991 and 211.106;

(a) A Technical Advisory Committee on Physician Services consisting of five physicians appointed by the Council of the Kentucky State Medical Association;

(b) A Technical Advisory Committee on Hospital Care consisting of five hospital administrators appointed by the Board of Trustees of the Kentucky Hospital Association;

(c) A Technical Advisory Committee on Dental Care consisting of five dentists appointed by the Kentucky Dental Association;

(d) A Technical Advisory Committee on Nursing Service consisting of five nurses appointed by the Board of Directors of the Kentucky State Association of Registered Nurses;

(e) A Technical Advisory Committee on Drugs consisting of five pharmacists appointed by the Kentucky Pharmaceutical Association;

(f) A Technical Advisory Committee on Nursing Home Care consisting of five members appointed by the Kentucky Association of Nursing homes.

(g) *A Technical Advisory Committee on Optometric Care consisting of five members appointed by the Kentucky Optometric Association.*

(2) The members of the technical advisory committees shall serve until their successors are appointed and qualified.

Section 5. Section 205.600 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Health shall appoint a county medical review committee for each county of the Commonwealth consisting of three physicians, *an optometrist* and a dentist, the duties, responsibilities and terms of office of which shall be determined by the council. Appointment shall be made from a list of three nominees for each appointment submtited by the Kentucky State Medical Association, *the Kentucky Optometric Association* and the Kentucky Dental Association, respectively.

The Committee on Public Health reported **HB 147** with the expression of opinion that the same should not pass.

The Committee on Courts and Legal Procedures reported **HB 38, HB 86** with Committee amendment attached thereto, **HB 87, HB 88, HB 91, HB 188,** and **HB 194** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 38,** AN ACT relating to police courts in cities of the second class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 26.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the first class, the clerk or deputy clerk of the police court may issue all mesne and final process.

(2) In cities of the second class, the police judge *or city prosecutor* may issue all summons and warrants of arrest and the clerk of the police court may issue same upon affidavit made before the city prosecutor and they may also issue any mesne or final process.

(3) In cities of the third, fourth, fifth and sixth classes the police judge may issue all processes.

**HB 86,** AN ACT relating to land purchased or leased with state funds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 56.040 of Chapter 56 of the Kentucky Revised Statutes is amended to read as follows:

(1) When any land or interest in land, *other than a leasehold interest,* is to be paid for, *in whole or in part, directly or indirectly,* out of state funds, the grantor shall submit with the deed a true abstract to the title of the land *containing complete information as to all documents affecting the title for a period of at least fifty years prior to the conveyance. The abstract shall be signed and certified as to correctness and completeness by an attorney admitted to practice in this state.* The correctness *and completeness* of the abstract shall be attested by the County Attorney. The abstract shall contain complete information concerning any action concerning the property or title, and all references to deed, mortgage, power of attorney, will, execution, lis pendens, option, mechanic's lien and other books, and tax bills, giving page numbers, dates, case numbers and all other references

and the description of the property. *The abstract shall include an opinion which describes the land or interest in land to be conveyed, which specifies any defects in title which may be present and states whether or not the abstractor believes them to be significant, and which states a conclusion as to whether or not the grantor is vested with marketable title free and clear of any material defects.* The grantor shall submit with the abstract an accurate map of the boundaries, made by a competent surveyor within *twelve* [three] months prior to the date of the deed conveying the land to the state. The map shall show the corners, angles and calls of the boundaries. *The map shall be accompanied by a certificate of the surveyor setting forth in detail the corners, angles and calls description of his survey, and containing the statement that, in his opinion, his survey is a survey of the same land described in the proposed deed to the Commonwealth.* The abstract and map must be submitted to and approved by the Attorney General before the Department of Finance shall issue its warrant to pay for the land. When the Attorney General has given his written approval to the title and purchase of the land, all records mentioned in this section pertaining thereto, including the opinion of the Attorney General, shall be deposited with, recorded and safely kept by the Secretary of State as provided in KRS 56.020.

(2) Before any lease of any land or building, except a lease of not more than six offices in an office building, shall be occupied by any officer or agency of the state government for any governmental purpose, or be paid for out of state funds, the lessor shall submit the lease and a map of the kind mentioned in subsection (1) of this section, and have the lease and map approved by the Attorney General [and recorded and kept by the Secretary of State as provided by KRS 56.020].

Committee amendment to **HB 86** is as follows:

Amend printed copy of House Bill 86 on page 1, line 10, by: deleting the following after the word "*state.*": "The correctness and *completeness* of the abstract shall be attested by the County Attorney." and

on Page 3 by adding a new subsection to be numbered (3) as follows:

*"(3) Nothing in this section shall apply to the acquisition of rights of way, adjacent land or any other real property authorized under the provisions of KRS Chapters 175, 176, 177, and 180 or any other law authorizing the Department of Highways to acquire real property."*

**HB 87,** AN ACT relating to transfers of property by or to the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of Chapter 56 of the Kentucky Revised Statutes is created to read as follows:

Where title to any property or any interest therein is transferred, for monetary or other consideration, by or to the Commonwealth of Kentucky by deed, bill of sale, or otherwise, the purchase price or other consideration shall be set out in full on the face of the deed, bill of sale, or other instrument.

Section 2. Section 42.072 of Chapter 42 of the Kentucky Revised Statutes is repealed.

**HB 88,** AN ACT relating to the acquisition, use and control, and disposition of real property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 56.463 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall have the power and duty:

(1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects.

(2) *To purchase or otherwise acquire all r e a l property determined to be needed for state use and upon the approval of the Commissioner of Finance as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS Chapters 175, 176, 177, and 180.* [To purchase, lease or rent such real estate as the department may find to be

necessary for use by the state or by any state agency, upon such terms and conditions and for such consideration as may appear to be fair and reasonable.] *All such acquisitions of real property or interests therein shall be made in accordance with KRS 45.360.*

(3) *To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the Commissioner of Finance. All such sales or other disposition shall be made in accordance with KRS 45.360.* [To sell and convey any real estate owned by the state or by any state agency, found by the department not to be needed for public use or to have become unsuitable for such use, except that this power shall not extend to real estate as to which a particular state agency has the power, as recognized in subsection (2) of KRS 56.500, to sell or convey with the approval of the Commissioner of Finance. Deeds executed pursuant to this subsection shall be in the name of the Commonwealth of Kentucky and shall be signed by the Commissioner of Finance and the Governor.]

(4) (a) To control the use of any real *property* [estate] owned *or otherwise held* by the Commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate uses shall be made of such real *property* [estate] during periods that the department finds the same is not required for the purposes of any particular state agency.

(4) (b) To determine the housing and furnishings needs of the various state agencies located in Frankfort and to establish and put into effect a permanent program for housing them. The department is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort according to the needs of the various agencies and when necessary to provide additional office space and furnishings in Frankfort under any building program the department deems most advisable and economical for the state. The permanent housing program shall include provisions for housing the

General Assembly and its related agencies, including the Legislative Research Commission, the Executive Offices, the Court of Appeals and the Clerk of the Court of Appeals, the Department of Law and the Law Library, in the New State Capitol. If there be any additional space in the Capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the Capitol.

(5) To acquire, by condemnation in any manner provided in KRS Chapter 416, or KRS 177.081 to 177.089, any real estate necessary for use by the state or by any state agency, when the department is unable to agree with the owner thereof on a price for such real estate.

(6) *To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45.360* [To lease any real estate or any part thereof, now owned or hereafter acquired by the state or by any state agency, to any person not a state agency, when the department finds as a matter of fact that the real estate or any part thereof is not needed for state purposes, except that this power shall not extend to any real estate as to which a particular state agency has power, as recognized in subsection (2) of KRS 56.500, to lease with the approval of the department. Any such lease shall be upon such terms and conditions and for such consideration as the department may prescribe, and shall be in the name of the Commonwealth of Kentucky, and shall be signed by the Commissioner of Finance and the Governor and lodged for record in the office of the Secretary of State].

(7) To provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make such changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purposes of this chapter, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the functions of the Commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550.

(8) To adopt such rules and regulations as may be *necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable* [expedient and which are not in conflict with the general purposes of KRS 56.450 to 56.550].

Section 2. Section 56.465 of the Kentucky Revised Statutes is amended to read as follows:

In any case where the real *property* [estate] that is proposed to be sold pursuant to KRS 56.463 is in the custody of a state agency, the department may submit to such agency a general description of the intended use of the land, along with such detailed information as the agency may require, but the finding of the department on the question of selling and conveying the real *property* [estate] shall be final. *Disposition shall be made in accordance with KRS 45.360.*

Section 3. Section 56.470 of the Kentucky Revised Statutes is amended to read as follows:

No state agency shall acquire any real *property* [estate] without first meeting the approval of the department. The department may approve, modify or disapprove the proposed acquisition of real estate, and the finding of the department shall be final, except in cases where the issuance and sale of bonds is proposed, in which cases the department shall submit its findings to the commission for approval, modification or disapproval. If a proposed acquisition of real *property* [estate] is approved as provided in this section, either in whole or in part, the department shall make the acquisition. *Acquisition shall be made in accordance with KRS 45.360.*

Section 4. Section 56.500 of the Kentucky Revised Statutes is amended to read as follows:

No state agency, except as provided in this chapter, shall have power or authority:

(1) To acquire by purchase, lease, condemnation or other means [involving the expenditure of money], any real *property,* [estate] *including any interest in real property, except as provided by this chapter and KRS 45.360* [except that any state

agency having the power under other laws to acquire by purchase, lease, condemnation or other means may continue to exercise that power subject to the approval of the Commissioner of Finance];

(2) To lease, sell or convey any real *property,* [estate] *including any interest in real property,* belonging to the state or to any state agency, [except that any state agency having the power under other laws to lease, sell or convey real estate devoted to the exclusive use of such agency may continue to exercise that power subject to the approval of the Commissioner of Finance.] except as provided by this chapter and KRS 45.360.

**HB 91,** AN ACT relating to purchases from the federal government and from other state governments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of Chapter 45 of the Kentucky Revised Statutes is created to read as follows:

The Director of the Division of Purchases may, for satisfactory reason consistent with his responsibility to attempt in every practical way to insure the state's supplying its real needs at the lowest possible cost or to the best advantage of the state, waive any requirements of KRS 45.360 to 45.420 in instances where purchases are made by the Commonwealth of Kentucky or any agency thereof from the federal government or any agency thereof or from any other state government or any agency thereof.

Section 2. Section 42.071 of Chapter 42 of the Kentucky Revised Statutes is repealed.

**HB 188,** AN ACT to revise and correct the Kentucky Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 3.070 is amended to read:

(1) The United States is authorized to acquire, pursuant to the provisions of this section, as well as in pursuance of KRS *148.111, 148.121, 148.141 and 148.151* [148.110, 148.120, 148.140,

148.150], the lands, including the caves and caverns underlying the same, within the area hereinafter referred to, as well as any lands contiguous or adjacent thereto which may hereafter be duly authorized for acquisition for national park purposes, for the purpose of converting same into, and for the establishment and maintenance thereon of, a national park as contemplated and provided for by the Act of Congress entitled "An Act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes," approved May 25, 1926 (44 Stat. 635), and any amendments thereto. The lands, consisting of approximately 70,618 acres, are situated in the counties of Edmonson, Barren and Hart, in Kentucky. The general boundaries thereof are set forth in the report of the Southern Appalachian National Park Commission to the Secretary of the Interior, under the date of April 8, 1926.

(2) The jurisdiction of Kentucky is ceded to the United States over, within and under all the territory so acquired by the United States. Kentucky reserves the right to tax sales of gasoline and other motor conveyance fuels and oils for use in motor conveyances, except to the extent that such gasoline and other fuels and oils are used by the United States and its agents in the administration, protection, improvement, maintenance, development and operation of the land, and the right to tax persons, their franchises and properties, on the land so acquired. Persons residing on the land shall have the right to vote at all elections within the respective counties of their residence the same as if the land had not been acquired by the United States. Jurisdiction shall not vest in the United States until the United States, through the Secretary of the Interior, notifies the Governor of Kentucky that the United States assumes police jurisdiction over the land so acquired.

Section 2. KRS 6.040 is repealed and re-enacted to read:

(1) Any reference in KRS 6.010 to a city, ward, district or precinct means that city, ward, district or precinct as its boundaries existed on February 28, 1963.

(2) Unless the context requires otherwise, any reference in KRS 6.030 to a city, ward, district or precinct means that city,

ward, district or precinct as its boundaries existed on February 28, 1963.

Section 3. KRS 6.190 is amended to read:

Beginning as of January 1, 1952, the members of the General Assembly, other than the Speaker of the House of Representatives, shall each receive as compensation twenty-five dollars per day, and the President of the Senate and the Speaker of the House of Representatives shall each receive as compensation thirty dollars per day, during their attendance on the sessions of the General Assembly. Each member of the General Assembly, and the President of the Senate, shall receive fifteen cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses. [This section is specifically intended to include and apply to members of the Senate elected for the terms expiring December 31, 1963.]

Section 4. KRS 7.125 is amended to read:

The Reviser of Statutes is directed to publish in [the next edition of] the Kentucky Revised Statutes the *Rules of Civil Procedure and the Rules of Criminal Procedure.* [Code of Criminal Practice; and to publish in subsequent editions all parts of the new system of criminal practice enacted as a result of the study directed by KRS 447.310.]

Section 5. KRS 13.102 is repealed and re-enacted to read:

No state agency other than the Legislative Research Commission shall publish administrative rules or regulations unless the rules or regulations are enclosed in a booklet or binder on which the words "Informational Copy" are clearly stamped or printed.

Section 6. KRS 15.145 is amended to read:

(1) The Attorney-General in addition to the Assistant Attorneys-General now allowed by law, shall, with the approval of the Railroad Commission of Kentucky, appoint an Assistant Attorney-General for the Railroad Commission who shall serve for the term of the Attorney-General making the appointment, unless sooner removed by him. He shall be at least thirty years of age,

and shall be a licensed, practicing attorney of this state, [and] with eight years of experience in the practice of law, and shall be an attorney also licensed to practice before the Interstate Commerce Commission, with at least four years of experience in practicing before that Commission.

(2) He shall give all necessary time to the business connected with the Railroad Commission; shall represent that Commission and the Commonwealth of Kentucky in all rate litigation and hearings, advise the [said] Commission and its members, officers or employes, when requested, under the authority of the Attorney-General. The Assistant Attorney-General shall, under the authority of the Attorney-General, perform other duties connected with the office of the Attorney-General when his time is not required by the Railroad Commission.

(3) The Assistant Attorney-General shall receive a salary fixed by the Railroad Commission, with the approval of the Attorney-General, in a sum not to exceed *the maximum allowed under KRS 64.640.* [four thousand five hundred dollars per annum.] His salary and necessary expenses shall be paid by the Railroad Commission out of its appropriation, in monthly installments. He shall be entitled to the services of a stenographer at a salary of not to exceed *the maximum allowed under KRS 64.640,* [two thousand one hundred dollars per annum] to be determined by the Commission, with the approval of the Attorney-General.

Section 7. Section 15.200 of 1964 Supplement to KRS is amended to read:

(1) Whenever requested in writing by the Governor, or by any of the courts or grand juries of the Commonwealth, or upon receiving a communication from a sheriff, mayor, or majority of a city legislative body stating that his participation in a given case is desirable to effect the administration of justice and the proper enforcement of the laws of the Commonwealth, *the Attorney-General* [he] may intervene, participate in, or direct any investigation or criminal action, or portions thereof, within the [confines of the] Commonwealth of Kentucky necessary to enforce the laws of the Commonwealth.

(2) He *may* [shall have the power to] subpoena witnesses, secure testimony under oath for use in civil or criminal trials, investigations or hearings affecting the Commonwealth, its departments or political subdivisions.

Section 8. Section 15.220 of 1964 Supplement to KRS is amended to read:

Except as provided in KRS 15.190 to 15.230, the powers and duties conferred upon or required of the Attorney General by *KRS 15.190 to 15.230* [this section] shall not be construed to deprive prosecuting attorneys of any of their authority in respect to criminal prosecutions, or relieve them from any of their duties to enforce the criminal laws of the Commonwealth.

Section 9. KRS 16.010 is amended to read:

As employed in KRS 16.030 to 16.180, unless the context requires otherwise:

(1) "Department" [shall] means the Department of *Public Safety* [Kentucky State Police];

(2) "Commissioner" [shall] means the Commissioner *of Public Safety* [or Commanding Officer of the Kentucky State Police];

(3) "Officer" [shall] means any member of the Kentucky State Police who possesses the powers of a peace officer;

(4) "Civilian" [shall] means such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;

(5) "Board" [shall] means the State Police Personnel Board;

*(6) "Division" means the Division of Kentucky State Police;*

*(7) "Director" means the Director of the Division of Kentucky State Police.*

Section 10. KRS 16.030 is amended to read:

(1) The *director* [commissioner] shall be more than twenty-eight years of age; [and] shall be a citizen of the United

States; and shall be selected on the basis of training, experience and qualifications for this position and preferably shall have [had] at least five years' experience in public or police administration.

(2) The *director* [commissioner] shall appoint from the ten highest ranking officers of the *division* [department] one officer to act as an executive assistant. Such appointment may be changed at any time [or times] by the *director* [commissioner] and any other officer substituted [in lieu thereof].

Section 11. KRS 16.040 is amended to read:

(1) The *division* [department] shall consist of the *director* [commissioner] and *the* [such] number of officers and civilians, and shall be organized in *the* [such] manner [and into such divisions or sections], as the commissioner [shall] from time to time determines.

(2) All persons appointed as officers shall at the time of their appointment be:

(a) Not less than twenty-one *nor more than thirty-one* years of age; [the maximum age limit to be fixed by the commissioner, and the same may vary as to commissioned and non-commissioned officers;]

(b) Of good moral character, and in good health;

(c) Citizens of the United States and residents of the Commonwealth;

(d) High school graduates, or possess an education equivalent thereto. To meet *the* [such] educational requirements, credit shall be given for experience in police administration or law enforcement.

(3) The commissioner shall prescribe minimum physical requirements for appointment as an officer of the *division* [department], and shall conduct such tests and require such physical examinations as [may be] deemed necessary [in order] to determine the fitness and qualification of each applicant. All other qualifications being equal, preference shall be given to veterans of *the armed forces of the United States in time of war, who were honorably discharged.* [World Wars I and II.]

Section 12. KRS 16.050 is amended to read:

(1) The commissioner shall appoint or promote to the ranks and grades and positions of the department such officers and civilians as are considered by him to be necessary for the efficient administration of the department. Such officers and civilians shall receive *the* [such] compensation [as shall be] fixed by the commissioner; *but* [provided] the same shall reasonably conform to the standards established by the *Department of Personnel* [Division of Personnel in the Department of Finance].

(2) All initial appointments of officers to the department shall be made for merit and fitness after a competitive examination.

(3) There is [hereby] created a State Police Personnel Board consisting of the Commissioner and four other members to be appointed by the Governor, two to be appointed from each of the two major political parties.

(4) The initial appointment of members of the board shall be for terms of one, two, three and four years. Thereafter each appointment shall be for a term of four years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.

(5) Members of the board may be removed by the Governor only for cause, after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor.

(6) The board shall elect one of its members chairman. It shall meet at such time and place as shall be specified by call of the commissioner. Three members shall constitute a quorum for the transaction of business. Members of the board other than the commissioner shall receive compensation of twenty-five dollars and reimbursement of travel expenses for each meeting of the board which they attend.

(7) The board shall make rules and regulations to carry out the purposes herein, which shall include provisions for:

(a) Open competitive examination as to fitness of applicants for employment as officers;

(b) Establishment of eligible lists as a result of such competitive examinations, from which lists, vacancies shall be filled.

(8) The board shall hear appeals from applications for employment for which examinations are being given or have been conducted and from eligibles on examination registers subject to the procedural rules which the board may adopt pursuant to the provisions of this section.

Section 13. KRS 16.070 is amended to read:

(1) The *director is* [commissioner shall be] the head and chief executive officer of the *division.* [department.] He shall provide for himself and each officer of the *division,* [department,] under the provisions of KRS *45.360 to 45.410,* [42.060] such uniforms, equipment and facilities, including motor vehicles, necessary to the performance of his or their respective duties, but all [such] uniforms, equipment and facilities, including motor vehicles, shall remain the property of the Commonwealth. The *director* [commissioner] may sell through the Department of Finance, under the provisions of KRS *45.360 to 45.410* [42.060], such uniforms, equipment and facilities, including motor vehicles, as become unfit for use, and all monies received therefrom shall be paid into the State Treasury and credited to a revolving fund to be used by the *division* [department].

(2) The *director* [commissioner] shall keep an inventory and shall charge against each officer the value of all property of the department issued to him, and if it is determined by the *director* [commissioner] that any loss or destruction of [such] property was due to the carelessness or neglect of an officer, then the value of *the* [such] property shall be deducted from the pay of *the* [such] officer.

(3) By agreement with the Commissioner of Highways of the Commonwealth, the Commissioner of Public Safety may provide for the leasing of motor vehicles and accessories thereto, radio facilities and equipment, office equipment and other property or facilities, upon such terms and conditions and for such compensation as said agreement may provide. The Commissioner of Highways and the Commissioner of Public Safety may further provide, by agreement, for the service and repair at any

state garage of motor vehicles or accessories thereto which are owned, operated or rented by the department, upon such terms and conditions and for such compensation as said agreement may provide. Subject to *KRS* Chapter 42 [of the Kentucky Revised Statutes], the department is authorized, by lease or purchase, to acquire, maintain and operate motor vehicles, and the officers of said department, including the commissioner, are authorized and empowered to operate such motor vehicles in the course of their duties, and in carrying out the purposes, responsibilities and functions provided for in KRS 16.010 to 16.180.

(4) The *director* [commissioner] shall establish local headquarters so as to best distribute the officers and employes of the department throughout the various sections of the Commonwealth where they will be most efficient in carrying out the provisions of KRS 16.010 to 16.180.

Section 14. KRS 16.080 is amended to read:

(1) The commissioner shall adopt, formulate, alter and repeal rules and regulations for the enlistment, training, discipline[,] and conduct of officers of the *division* [department]; for the promotion of [such] officers on the basis of seniority of service, qualifications being equal, and he may make any other rules and regulations for the governing and operation of *the division* [said department] as [shall] appear to him reasonably necessary to carry out the provisions of KRS 16.010 to *16.190* [16.180].

(2) *The commissioner* [He] may require any officer or civilian who [may] receives [and/] or disburses public funds in the course of his duties to file a bond, conditioned that he will honestly, correctly and according to law, receive, disburse and [/or] account for all public monies coming into his hands. The *director* [commissioner] and each officer shall execute a bond to the Commonwealth of Kentucky in the sum of not less than two thousand dollars, conditioned upon the faithful discharge of his duties. The premium on *the* [any such bonds or] bonds shall be paid by the *division* [department]. The *director* [commissioner] and each officer of the *division* [department] shall, before entering upon the discharge of their official duties, take the constitutional oath of office.

(3) Subject to the provisions of KRS 56.440 to 56.550, the commissioner, with the approval of the Governor and the Commissioner of Finance, may acquire real estate or interests therein, by purchase, lease or otherwise, necessary for the purposes of the *division* [department], and, with like approval, provide for the acquisition or construction of necessary buildings and other permanent structures and facilities. Title to any real estate [so] acquired shall be taken in the name of the Commonwealth.

Section 15. KRS 16.190 is amended to read:

No person shall falsely represent himself to be an officer, agent or employe of the *Division* [Department] of Kentucky State Police *of the Department of Public Safety* and in such assumed character, arrest or detain or search in any manner the person or property of anyone, nor shall any person without the authority of the department wear its official uniform or insignia or any uniform or insignia likely to be confused with the official uniform or insignia of the department.

Section 16. KRS 16.541 is amended to read:

(1) Any person who left the state police or its predecessor in order to enter the armed forces of the United States and who is re-employed by the state police after the effective date of the system *is* [shall be] entitled to have credited as service his period of service in such armed forces, not to exceed six years, provided he applies for reinstatement within three months of discharge, which must be honorable, or within three months of a subsequent termination of any total disability, and, subject to the approval of the state police personnel board, is reemployed [, KRS 61.370 to the contrary notwithstanding].

(2) Any person who prior to the effective date of the system left the state police or its predecessor in order to enter the armed forces of the United States and who was re-employed after his honorable discharge therefrom prior to the effective date of the system shall be entitled to have credited as service his period of service in the armed forces, not to exceed six years.

Section 17. KRS 17.010 is amended to read:

(1) There shall be in the State Government a Department

of Public Safety, a [statutory administrative] department within the meaning of *KRS* Chapter 12 [of the Kentucky Revised Statutes], the executive head of which shall be a Commissioner of Public Safety.

(2) The Commissioner of Public Safety shall be appointed by the Governor as provided in KRS 12.040 [for the heads of statutory administrative departments].

(3) The Department of Public Safety shall be divided for administrative purposes into *a Division of Administrative Services,* a Division of Accident Control, a Division of Kentucky State Police, a Division of Fire Prevention, a Division of Driver Licensing, and a Division of Boating, but this provision *does* [shall] not affect the authorization [of the Commissioner of Public Safety] to establish new divisions and make changes with respect to existing divisions in accordance with [the terms of] KRS 12.030.

(4) The heads of the divisions of the Department of Public Safety shall be appointed by the Commissioner of Public Safety in accordance with [the provisions of] KRS 12.050.

Section 18. KRS 17.040 is amended to read:

The Division of Kentucky State Police shall be headed by a Director of Kentucky State Police [and shall exercise all of the functions heretofore performed by the Department of Kentucky State Police]. The Director of the Division of Kentucky State Police shall exercise the functions *provided in KRS 16.010 to 16.190* [heretofore performed by the Commissioner of Kentucky State Police] to the extent that these functions are delegated to him by the Commissioner of Public Safety. [The Department of Kentucky State Police and the office of Commissioner of Kentucky State Police are hereby abolished. Any reference in KRS Chapter 183, to the Department of Kentucky State Police, or the "Department", or any reference elsewhere to the Department of Kentucky State Police, henceforth shall be construed to be a reference to the Division of Kentucky State Police. Any reference in KRS Chapter 183, to the Commissioner of Kentucky State Police or the "Commissioner", henceforth shall be construed to be a reference to the Commissioner of Public Safety, except to

the extent that the Commissioner shall delegate responsibilities to the division of Kentucky State Police.]

Section 19. KRS 17.050 is amended to read:

The Division of Fire Prevention shall be headed by a State Fire Marshal and shall exercise all of the functions provided in KRS Chapters 227, 228 and 234 relating to fire loss [heretofore performed by the Department of Insurance and the State Fire Marshal].

Section 20. KRS 17.060 is amended to read:

The Division of *Driver Licensing* [Operator Responsibility] shall be headed by a Director of *Driver Licensing* [Operator Responsibility] and shall exercise the functions [heretofore exercised by the Department of Revenue] provided in KRS 186.400 to 186.640 relating to licensing of operators of motor vehicles to the extent that those functions are delegated to it by the Commissioner of Public Safety, except those concerned with the subject matter of *subsection (3) of* KRS 186.400 [(3) as hereinafter provided]. The Division of *Driver Licensing* [Operator Responsibility] shall exercise all the functions [heretofore exercised by the Department of Revenue provided in KRS Chapter 187,] relating to the administration and enforcement of the financial responsibility law. [Any reference in KRS Chapter 187, to the Department of Revenue or the "Department", henceforth shall be construed to be a reference to the Division of Operator Responsibility, except where otherwise specified herein.]

Section 21. KRS 17.250 is amended to read:

The commissioner shall allot on an annual basis the funds appropriated for fire department aid in the amounts not to exceed $2,000 to the fire departments in those cities of the third through sixth classes, fire prevention districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.320, and all other organized fire departments recognized by the commissioner as fire departments operated and maintained on a non-profit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Com-

monwealth. [With the advice of the Fire Department Committee,] *He* shall prescribe regulations and standards for determining the amounts to be granted. Such standards shall be based on the number of firemen, both paid and volunteer, the amount of equipment, housing facilities available and such other matters or standards as will best effect the purposes of the fire department aid law. No allotment shall exceed the total value of the funds, equipment, lands and buildings made available to the local fire units from any source whatever for the year in which the allotment is made.

Section 22. KRS 18.180 is amended to read:

(1) At its first meeting, and subsequently in the event of a prospective or actual vacancy in the position of Commissioner of Personnel, the Personnel Board shall appoint a committee of three persons publicly known to be sympathetic with the merit principle in government and skilled in personnel administration to conduct an examination for the position of Commissioner of Personnel pursuant to such specifications for the position as the board may prescribe. The examination shall be conducted as promptly as possible, and in any event within ninety days. The board shall certify, to the Governor, a list of those examinees whom they find qualified, and may further certify as "outstandingly qualified" those who in their judgment, possess such qualifications for the position. The Governor shall appoint a Commissioner of Personnel from the list so certified except that he may reject such a list and the board shall certify additional qualified examinees.

[(2) The salary of the Commissioner of Personnel shall be twelve thousand dollars per annum.]

*(2)* [(3)] The Commissioner of Personnel shall be considered an employe of the state and shall be a member of the classified service. He shall be a person who *has* [shall have] had extensive training and experience in personnel administration or in allied fields, shall have known sympathies with the merit principle in government service, and shall evidence such other qualifications as in the opinion of the Personnel Board are essential to the performance of the duties of the position. He may be removed for cause by the Governor, but he shall have the same

statutory rights to notice of the reasons for such removal and appeal to the Personnel Board as do all other classified state employes.

Section 23. KRS 18.240 is amended to read:

(1) All officers and employes of the Commonwealth shall comply with, and aid in all proper ways in carrying out, the provisions of KRS 18.110 to 18.340 and the rules, regulations, and orders thereunder. All officers and employes shall furnish any records or information pertaining to the administration of KRS 18.110 to 18.340 which the commissioner may request. The commissioner or the board may require the Attorney General to institute and maintain such legal action as the commissioner or the board may consider necessary or appropriate to secure compliance with KRS 18.110 to 18.340 and the rules and orders thereunder.

(2) The Commissioner of Finance may review and approve all proposed position establishments and abolishments. Reclassifications and reallocations may also be reviewed and approved by the Commissioner of Finance on the basis of the availability of funds.

[(3) The Commissioner of Finance may take the necessary action to transfer to the Department of Personnel any personnel, records, and property heretofore employed by the various agencies in carrying out such functions as are assigned to the Department of Personnel by the provisions of KRS 18.110 to 18.340.]

[(4) Employes of the Kentucky Personnel Council and the Merit System Council who have probationary or permanent status under the merit systems administered by them for the Department of Economic Security and the Department of Health shall be offered appointments to positions in the Department of Personnel with continuity of employment and status.]

Section 24. KRS 21.010 is amended to read:

The Court of Appeals shall consist of seven judges [, each of whom shall receive an annual salary of five thousand dollars].

Section 25. KRS 21.150 is amended to read:

The judges of the Court of Appeals, a majority of them concurring, *may* [are hereby authorized to] appoint four commissioners, who shall hold office at the pleasure of the court and who shall discharge *the* [such] duties [as may be] assigned to them by the court. Every commissioner [so] appointed must have the qualifications prescribed by law for a judge of the Court of Appeals. [and as herein prescribed. Each commissioner shall receive the same salary, to be paid at the same time, and in the same manner, as a judge of the Court of Appeals, and shall also be allowed for clerical assistance the same amount which is allowed by law to a judge of the Court of Appeals.] Each commissioner shall be provided with an office in the Capitol at Frankfort, and the same shall be furnished in a way suitable for his duties by the Division of Purchases [and Public Properties], and the expenses therefor shall be paid by a warrant [to be] drawn by the Department of Finance upon the State Treasurer. When the business of the court does not require their services the court shall terminate the appointment of any or all of the commissioners.

Section 26. KRS 21.230 is amended to read:

The original or final process of the Court of Appeals may be directed to [the Sergeant-at-Arms or to] the sheriff of any county [; but executions for costs in the Court of Appeals shall not be directed to or executed by the Sergeant].

Section 27. KRS 24.170 is amended to read:

The circuit court of Jefferson County shall have *thirteen* [seven] judges.

Section 28. KRS 24.180 is repealed and re-enacted to read:

The circuit court described in KRS 24.170 is a court of continuous session. It has thirteen divisions as follows:

Chancery branch, first division.
Chancery branch, second division.
Chancery branch, third division.
Chancery branch, fourth division.
Common pleas branch, first division.

Common pleas branch, second division.
Common pleas branch, third division.
Common pleas branch, fourth division.
Common pleas branch, fifth division.
Common pleas branch, sixth division.
Common pleas branch, seventh division.
Criminal branch, first division.
Criminal branch, second division.

Section 29. KRS 24.190 is amended to read:

In *elections for judges of the circuit court described in KRS 24.170, each office* [every district entitled to seven circuit judges each office of circuit judge] shall be voted for separately *by numbered division as provided in KRS 24.180.* [The ballots shall specify as follows: For judge of the circuit court, criminal branch; for judge of the circuit court, chancery branch, first division; for judge of the circuit court, chancery branch, second division; for judge of the circuit court, common pleas branch, first division; for judge of the circuit court, common pleas branch, second division; for judge of the circuit court, common pleas branch, third division; for judge of the circuit court, common pleas branch, fourth division.] The person receiving the largest number of legal votes marked for one *division* [branch] shall be elected judge for that *division* [branch]. In case of a tie in any election, the result shall be decided as in case of a tie vote between two or more candidates for a single office.

Section 30. KRS 24.200 is amended to read:

(1) Each judge of a court *described in KRS 24.170* [having seven judges] shall preside over the *division* [branch] of the court to which he is elected during his entire term of office, except as provided in KRS 24.240.

(2) When a vacancy is filled the judge appointed or elected to fill the same shall preside over the [branch and] division presided over by the judge whose place has become vacant. If more than one vacancy is to be filled at any election, the ballots shall specify the *divisions* [branches] for which judges are to be elected.

Section 31. KRS 24.210 is amended to read:

(1) The court *described in KRS 24.170* shall, in general term, make rules of court governing the assignment of civil actions to the *divisions of the* civil branches, [and the divisions thereof,] for the purpose of making up issues and for the purpose of trial. The rules shall, insofar as practicable, provide for the assignment of all actions wherein the parties are not entitled to a jury as a matter of right to the chancery branch of the court.

(2) All criminal prosecutions and all proceedings on bail bonds and recognizances in criminal cases shall be brought and prosecuted in the criminal branch.

Section 32. KRS 24.230 is amended to read:

Proceedings in *the court described in KRS 24.170* [any court having seven judges] shall be valid when prosecuted in any branch or division thereof.

Section 33. KRS 24.240 is amended to read:

Any judge presiding over one [branch or] division of a court *described in KRS 24.170* [having seven judges] may hear and determine any case or question in any other branch or division.

Section 34. KRS 24.250 is amended to read:

(1) A court *described in KRS 24.170* [having seven judges] shall, in general term, make rules of the court, and may, from time to time, change *the* [such] rules. The rules shall be binding on each branch and division of the court until changed in general term.

(2) A general term of the court shall be held on the first Monday in January and July in every year, and at [such] other times [as] the court [shall] by rule appoints. General terms may also be called in writing by any three of the judges.

(3) In addition to the order books and the judgment books of the several branches and divisions of the court, the clerk shall keep an order book of the general term, in which shall be entered all rules made and other business transacted at general terms.

Section 35. KRS 24.260 is amended to read:

An action on the official bond of the clerk, commissioner, re-

ceiver or depositary of a court *described in KRS 24.170* [having seven judges] may be brought in the court as other actions of which it has jurisdiction. Any person interested may sue on any such bond for a breach thereof, and any *division* [branch] of the court may, by rule and attachment against the obligors therein, enforce their performance.

Section 36. KRS 24.270 is amended to read:

*(1)* The circuit courts *described in KRS 24.170* [in counties having a population of two hundred thousand or more, comprising a separate judicial district, and having six judges, or more,] may by order in general term, *a majority of the* [any four of said] judges concurring, appoint a clerical assistant to each of the judges of the respective divisions of the chancery branch of *the* [said] court, *who shall* [whose duties shall be to] perform *the* [such] stenographic and other clerical services for *the* [said respective] judges thereof [as may be] assigned or directed by *the* [said] judges, in the performance of their judicial duties or functions. [;]

*(2)* Each of *the* [such] clerical assistants shall [continue to] receive [the] salaries [now fixed by law and paid out of the county levy; provided, however, that such salaries may be increased or decreased to the amount] fixed by the general term of *the* [said] circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

Section 37. KRS 25.010 is amended to read:

Except as provided in KRS 167.990, *208.020, subsection (4) of 208.990* [199.990] and 242.990, county, quarterly and justices' courts have jurisdiction exclusive of circuit courts in all penal and misdemeanor cases where the punishment is limited to a fine of not more than twenty dollars, and jurisdiction concurrent with circuit courts of all penal and misdemeanor cases where the punishment is limited to a fine of not more than five hundred dollars, or imprisonment for not more than twelve months, or both.

Section 38. KRS 25.120 is repealed and re-enacted to read:

(1) There shall be a regular term of the county court held

by the county judge in each county once every month on Monday, and until changed as provided in this subsection, it shall be held on the same day it now is. The time of holding the county court in any county may be changed by an order made by the county judge and entered upon the records of the county court at the last regular term held in the year next preceding the year in which the change is to be made. Special terms of the county court may be held at any time for the transaction of any business except such as is specifically directed by law to be transacted at a regular term; and the court may adjourn from time to time until the business is disposed of, but no adjournment shall be to a time beyond the commencement of the next regular term.

(2) The county court shall be held at the courthouse, except that in counties of less than 150,000 population and containing a city of the second class, where the terms of the circuit courts are held in the city of the second class as required by law and the county does not own, operate or maintain a courthouse in the city of the second class, the county court shall be held in the city of the second class as well as at the county seat.

Section 39. KRS 26.010 is amended to read:

Except as provided in KRS 167.990, *208.020, subsection (4) of 208.990* [199.990] and 242.990, police courts in cities of every class have jurisdiction exclusive of circuit courts in all penal and misdemeanor cases where the punishment is limited to a fine of not more than twenty dollars, jurisdiction concurrent with circuit courts of all penal and misdemeanor cases where the punishment is limited to a fine of not more than five hundred dollars, or imprisonment not exceeding twelve months, or both, and exclusive jurisdiction of all violations of city ordinances[,] occurring within the city limits.

Section 40. KRS 26.150 is amended to read:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance [at not more than $4800 nor less than $3000 per annum,] and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be police judge unless at

the time of his election he is at least twenty-five years of age and has been a resident of the city for at least four years.

Section 41. Section 26.250 of 1964 Supplement to KRS is amended to read:

The judge of the police court *in a city of the third class* shall appoint a standing judge pro tem who shall serve, at the will of the regular judge, in the absence or disability of the regular judge. The judge pro tem shall exercise the same powers, perform the same duties, receive the same compensation prorata, and have the same qualifications as the regular judge. The compensation of the pro tem judge shall not be deducted from the salary of the regular judge.

Section 42. KRS 26.440 is amended to read:

In cases of drunkenness or disorderly conduct, the police courts in *cities* [counties containing a city] of the first and fourth class*es* may, in addition to imposing a fine, require the offender to give bond in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond or fails to pay the fine, he shall be immediately committed to the workhouse, station house or county jail and kept in custody until bond is given or the time for which it was required has expired, and until the fine is paid or satisfied by labor.

Section 43. KRS 26.610 is amended to read:

(1) The police judge of every city of the first class shall appoint two court matrons for a term of two years, and until the qualification of their successors, and may remove them for good cause. The judge shall cause his reasons for removal to be entered in the minutes of his court. The judge may fill all vacancies occurring in the office of court matrons. One matron shall be white and the other shall be of the colored race.

(2) The court matrons shall be women of good moral character, with experience and training in social work, and otherwise fully qualified to perform the duties of their office. They shall be twenty-one years of age or older.

(3) The court matrons shall investigate and report to the police judge upon the past histories, conditions of living, character, morals and habits of all women and girls awaiting trial in the police court, and shall exercise supervision of such women and girls while they are under suspended sentence until final disposition of the charges against them.

(4) The *court matrons* [white court matron] shall be paid out of the city treasury a salary [of one hundred and twenty dollars per month, and the colored matron shall be paid out of the city treasury a salary of one hundred and twenty dollars per month], and [they] shall be allowed, subject to the approval of the police judge, all necessary expenses incidental to investigation of cases.

Section 44. KRS 26.620 is amended to read:

The police judge in cities of the first class may appoint and remove at will a doorkeeper who shall stand at and guard the door of the court, preserve order and perform [such] other services [as are] directed by the police judge. [The doorkeeper shall receive a salary of ninety dollars per month to be paid out of the city treasury.] He shall have the same powers that policemen serving in the police court have under KRS 26.340 and 26.600.

Section 45. KRS 27.040 is amended to read:

(1) In circuit courts *described in KRS 24.170* [having seven judges], the regular judges at a general term of court shall, by an order entered on the order book, appoint a commissioner and a receiver of the court, who shall hold their offices four years, unless removed, as they may be, at the pleasure of the court at a general term.

(2) The commissioner shall discharge the duties and have the power of a master in chancery and as provided by law and the rules of the court.

(3) The receiver shall receive, care for and deposit all [the] moneys and property [that may be] paid or deposited into court, and shall disburse the same upon the orders of the court as provided by law and the rules of the court.

(4) The commissioner and the receiver shall in open court execute bond and take *the* [an] oath [as] required in KRS 27.010 and 27.030.

Section 46. KRS 28.650 is amended to read:

The judge of the police court in cities of the first class may appoint, for a term not exceeding four years, an interpreter, [who shall be paid nine hundred dollars per annum,] and the judge may remove him at pleasure.

Section 47. KRS 39.412 is amended to read:

(1) The owner of property seized, taken or condemned may appeal from the award of the Board of Claims to the circuit court of the county wherein he resides if the amount in controversy, exclusive of interest and costs, is over twenty-five dollars or to the quarterly court of the county wherein he resides in other cases. *The Rules of Civil Procedure* [Sections 724 through 731 of the Civil Code of Practice] shall, so far as applicable, govern the procedure on appeal but the action shall be tried according to the practice prescribed for the trial of jury cases.

(2) An appeal from the judgment may be taken to the Court of Appeals as in other cases subject to the provisions of KRS 21.060, 21.070 and 21.080.

Section 48. KRS 42.010 is amended to read:

As used in KRS 42.020 to *42.050* [42.060], unless the context requires otherwise, *"state agency" means any state administrative body, agency, department or division as defined* [the terms "Administrative department", "Agency", "Division", "Employe", "Functions", "Position", and "State Service" have the meaning given them] by KRS 12.010.

Section 49. KRS 42.071 is amended to read:

The provisions of KRS *45.390* [42.070] shall not apply to purchases made by the Commonwealth of Kentucky or any department, agency, division, bureau, commission, board or institution thereof from the United States of America or any agency thereof.

Section 50. KRS 42.170 is amended to read:

[(1)] All of the functions of the State Local Finance Officer provided in *KRS* Chapters 66, 68, 103 and 131 [of the Kentucky Revised Statutes] relating to the issuance of bonds and control of funds of counties, cities and other local units and county financial administration shall be *exercised by* [transferred to] the Department of Finance.

[(2) The records, property, personnel, and any unexpended appropriations balances maintained for carrying out the functions of the State Local Finance Officer shall be transferred to the Department of Finance.]

Section 51. KRS 43.020 is amended to read:

The Auditor shall [receive an annual salary of five thousand dollars, payable monthly. He shall] reside and keep his office at the seat of government.

Section 52. KRS 43.090 is amended to read:

(1) Immediately upon completion of each audit and investigation, except those provided for in KRS 43.070, the Auditor shall prepare a report of his findings and recommendations. He shall furnish one copy of the report to the head of the agency to which the report pertains, one copy to the Governor, one copy to the Commissioner of Finance, and one copy to the State Librarian. He shall prepare and transmit to each member of the General Assembly, by December 15 immediately preceding the convening of each regular session of the General Assembly, a printed report on his activities, summarizing the findings and recommendations in his report on each audit or investigation made since the last preceding biennial report to the General Assembly, and presenting such other findings and recommendations as he sees fit to make. He shall file a copy of this report with the Governor and five copies with the State Librarian. All audit reports shall be public documents to which taxpayers shall have access.

(2) The Auditor shall, within a reasonable time after the examination of each county as provided in KRS 43.070, make a written report to the Governor, the State Librarian and to the

county judge of the county examined, calling attention in specific terms to any mismanagement, misconduct, misapplication or illegal appropriation or extravagant use of money received or disbursed by any officer of the county examined.

(3) The reports required to be filed with the State Librarian by this section shall be kept *by the Department of Libraries* [in the Legislative and Law Library] for the use of the public.

Section 53. KRS 44.110 is amended to read:

(1) A claim must be presented to the board within one year from the time it *has* [shall have] accrued [; except that any claim that accrued between March 1, 1956, and July 1, 1957, may be presented up to and including June 30, 1958].

[(2) The provisions of subsection (1) of this section shall not be applicable to any person who was diligently pursuing his remedies in the courts of this Commonwealth prior to the holding of the Court of Appeals in 1958 to the effect that the courts of this Commonwealth may not render a judgment against the Commonwealth due to the general remedy provided in KRS 44.070 to 44.170.]

[(3) Any person who qualifies under the provisions of subsection (2) of this section may, within a period of one year from June 14, 1962, present his claim before the Board of Claims as provided in KRS 44.070 to 44.170.]

Section 54. KRS 45.990 is amended to read:

(1) Any officer, agent or employe of any budget unit who willfully fails or refuses to comply with any of the provisions of KRS 45.010 to 45.170, 45.190 to 45.300, 45.320 or 45.330, or who expends any money in violation of any of the provisions of those sections, shall be subject to indictment in the Franklin circuit court, and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars for each offense.

(2) If any person incurs, or orders or votes for the incurrence of, any obligation in violation of any of the provisions of subsection (3) of KRS 45.190, he and his sureties shall be jointly and severally liable therefor.

*(3) Any violation of KRS 45.360* [42.070] *shall be punished by a fine of not more than five thousand dollars or by a prison sentence of not more than five years, or by both fine and imprisonment in the discretion of the jury.*

*(4) Any person who violates any of the provisions of subsection (1) of KRS 42.076 shall, upon conviction, be fined not less than five thousand dollars nor more than ten thousand dollars, or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment. Any firm, corporation, or association which violates any of the provisions of subsection (1) of KRS 42.076 shall, upon conviction, be fined not less than ten thousand dollars nor more than twenty thousand dollars.*

*(5) Any person who violates the provisions of subsection (2) of KRS 42.076 shall be subject to prosecution under KRS 432.170.*

*(6) Any employe of the Division of Purchases, or any official of the Commonwealth of Kentucky, elective or appointive, who shall take, receive, or offer to take or receive, either directly or indirectly, any rebate, percentage of contract, money, or other things of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, for, or to, or from, any person, partnership, firm, or corporation, offering, bidding for, or in open market seeking to make sales to the Commonwealth of Kentucky, shall be deemed guilty of a felony and upon conviction such person or persons shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the penitentiary for not more than ten years, or both so fined and imprisoned in the discretion of the jury.*

*(7) Every person, firm, or corporation offering to make, or pay, or give, any rebate, percentage of contract, money or any other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, to any employe of the Division of Purchases or to any official of the Commonwealth, elective or appointive, in his efforts to bid for, or offer for sale, or to seek in the open market, shall be deemed guilty of a felony and shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the penitentiary for not more than ten years, or both so fined and imprisoned in the discretion of the jury.*

Section 55. KRS 47.010 is amended to read:

(1) Except as provided in [subsections (2), (3), (4), (5), and (6) of this section, and except as otherwise provided in] this chapter and in KRS 342.480 and 342.485, all state revenue shall be credited to the General Fund.

(2) All revenues realized from the gasoline tax imposed by KRS 138.220 or from any gasoline tax hereafter imposed by law, shall be credited to the State Road Fund.

(3) All fees and taxes collected under the provisions of *KRS* Chapter 281, and all revenue realized from any motor bus license tax hereafter imposed by law, shall be credited to the State Road Fund.

[(4) All fees collected under KRS 176.230 and not returned to the applicant as authorized by that section shall be credited to the State Road Fund.]

*(4)* [(5)] All funds appropriated by law to revolving funds pursuant to the provisions of KRS 45.140 shall be credited to such revolving funds.

*(5)* [(6)] All funds collected under the provisions of KRS 278.120 to 278.150 for the support of the Public Service Commission shall be credited as provided in those sections.

Section 56. KRS 56.010 is amended to read:

The [Division of Purchases and Public Properties in the] Department of Finance shall institute civil proceedings in the name of the Commonwealth for any tresspass or injury to state property under its control.

Section 57. KRS 56.065 is amended to read:

As used in KRS 56.070 to 56.180, unless the context requires otherwise:

(1) "Subject of risk" means any or all property reasonably considered to be subject to loss or damage by any single occurrence of any event insured against.

(2) "Extended coverage" means the perils of windstorm, hail, explosion, riot, riot attending a strike, civil commotion, air-

craft, vehicles and smoke as used and defined in the Uniform Standard Form approved by the *former* Division of Insurance as of June 15, 1950.

(3) *"Department"* ["Division of Insurance"] means the [Division or the] Department of Insurance.

Section 58. Section 56.440 of 1964 Supplement to KRS is amended to read:

As used in this chapter, unless the context otherwise requires:

(1) "Commission" means the State Property and Buildings Commission.

(2) "Real estate" includes lands together with improvements thereon and appurtenances thereto.

(3) "Building" includes any structure or improvement upon real estate of a permanent nature; and additionally includes any sites, structures, equipment, machinery or devices for the purpose of establishing, developing or furthering television in aid of education or in aid of any other proper public functions, whether or not the same would otherwise be legally defined as buildings.

(4) "Building project" includes the construction, reconstruction and structural maintenance of buildings, the installation of utility services, including roads and sewers, and the purchase and installation of equipment, facilities and furnishings of a permanent nature for buildings, and the purchase and installation initially of movable equipment, furnishings and appurtenances necessary to make a building operable, and for television purposes as referred to in subsection (3) of this section.

(5) "State agency" means any state *administrative body, agency* [officer], department *or* [, board, commission, institution,] division [or independent agency] as defined in KRS Chapter 12.

(6) "Department" means the Department of Finance.

Section 59. KRS 56.462 is amended to read:

[The records, property and personnel heretofore employed

in carrying out the functions of the commission are hereby transferred to the department. The appropriation and trust and agency fund balances provided for performance of the functions transferred by this chapter, are hereby transferred to the department.] The department shall [hereafter] maintain *the* [such] records and perform *the* [such] functions [as are] necessary and proper to accomplish the purposes of this chapter.

Section 60. Section 56.467 of 1964 Supplement to KRS is amended to read:

The commission shall [act in the capacity of and] exercise the powers *prescribed by KRS 162.520, 162.540, 162.550, 162.580, 162.590, 162.600 and* [of the Kentucky Public School Authority under the provisions of KRS 162.510 to] 162.620 for the purpose of assisting boards of education of any county or independent school district in financing public school building projects and undertakings.

Section 61. KRS 56.480 is amended to read:

[The Division of Engineering is hereby abolished, and all personnel, property, equipment, and facilities of that division, including its books, records, studies, plans and specifications shall, upon the effective date of this section, be transferred to and be under the supervision and control of the department.] The department may appoint qualified licensed engineers, *and* [provided that] qualified graduate engineers may be appointed for a period not to exceed one year without obtaining a license, who shall perform [such] duties [as may be] delegated to them from time to time by the Commissioner of Finance. The department shall prepare *necessary* [such] plans and specifications [as may be necessary], shall investigate and make studies of the comparative need and demand for acquiring [any] lands, or for the construction or reconstruction or structural maintenance of [any] buildings, or for the purchase, installation or construction of [any] equipment, facilities or furnishings incidental or pertaining thereto, *and* shall make *the* [such] estimates of cost [as may be] required in connection with or incidental to the development, purchase, acquisition or construction of the foregoing. The engineering staff shall give [such] technical as-

sistance and perform [such] other duties [as] the Commissioner of Finance [may] requires.

Section 62. Section 57.151 of 1964 Supplement to KRS is amended to read:

(1) The Legislative Research Commission shall furnish a correct copy of the *acts* [actions*] and resolutions and the journals of the General Assembly to the printer. The clerk of each house of the General Assembly shall promptly furnish to the printer copies of bills, reports, resolutions, and other papers.

(2) The Legislative Research Commission shall prepare indexes to the acts of the General Assembly and the journals of the Senate and House and *have* [for] the acts proofread by the enrolled bills. The commission shall refer to the section number affected for any section of the Kentucky Revised Statutes or of the Rules of Practice amended or repealed by any Act. The printing rate shall be established in the contract for printing the basic documents.

Section 63. KRS 61.020 is amended to read:

The following officers shall have commissions issued to them by the Governor: Secretary of State, Auditor of Public Accounts, Treasurer, Commissioner of Agriculture, Superintendent of Public Instruction, Judges of the Court of Appeals, Clerk of the Court of Appeals, Railroad Commissioners, judges of the circuit courts, county judges, police judges, Commonwealth's attorneys, justices of the peace [, notaries public] and all the officers of the Militia of rank and grade higher than and including the rank and grade of captain.

Section 64. KRS 62.145 is amended to read:

In any county having a population of less than *200,000* [75,000], in which the county clerk *has* [shall have had] his official bond executed by an incorporated surety company, the amount paid by such clerk as premium on such bond shall not be computed as part of the net compensation which he receives or retains for his services but shall be considered as office expense payable out of the gross receipts of such clerk's office before any such computation of his net compensation.

Section 65. KRS 62.160 is amended to read:

*(1)* The state officers elected by the voters of the state at large (except the Governor and Lieutenant Governor), the heads of [statutory administrative] departments of the state government, the Adjutant General, the [Director of the Division of Banking, the Director of the Division of Insurance, the Director of the Division of Motor Transportation, the Director of the Division of Game and Fish, the Executive Director of the Unemployment Compensation Commission, the] members of the Public Service Commission, [(other than the Chairman, who will give bond as Commissioner of Business Regulation),] the members of the State Fair Board [, Kentucky Aeronautics Commission,] and *Fish and Wildlife Resources* [Game and Fish] Commission, and the [associate] members of the *Kentucky Board of Tax Appeals* [State Tax Commission] and the Alcoholic Beverage Control Board, shall each give bond. The amounts of the bonds shall be fixed by the Governor, which amounts as to those offices [hereinafter] set forth in *subsection (2) of* this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the Commonwealth the Governor may increase the penal sum of any bond or require a renewal thereof with other or additional surety.

*(2)* The minimum sum of the bond for the following offices shall be as follows:

| | |
|---|---|
| Secretary of State | $ 10,000 |
| Attorney General | 10,000 |
| State Treasurer | 300,000 |
| Commissioner of Agriculture | 10,000 |
| Superintendent of Public Instruction | 50,000 |
| Auditor of Public Accounts | 25,000 |
| Clerk of Court of Appeals | 10,000 |
| Adjutant General | 10,000 |
| Commissioner of Finance | $100,000 |
| Commissioner of Revenue | 50,000 |
| Commissioner of Highways | 50,000 |
| Commissioner of *Corrections* [Welfare] | 25,000 |
| Commissioner of Health | 10,000 |

| | |
|---|---|
| [Commissioner of Business Regulation | 10,000] |
| Commissioner of Labor | 5,000 |
| Commissioner of *Natural Resources* [Conservation] | 10,000 |
| State Librarian | 5,000 |
| *Commissioner* [Chief of the Department] of Mines and Minerals | 5,000 |
| Commissioner of Alcoholic Beverage Control | 10,000 |
| *Commissioner* [Director of Division] of Banking *and Securities* | 25,000 |
| *Commissioner* [Director of Division] of Insurance | 50,000 |
| *Commissioner* [Director of Division] of Motor Transportation | 10,000 |
| *Commissioner* [Director of Division] of [Game and] Fish *and Wildlife Resources* | 5,000 |
| *Commissioner of Economic Security* [Executive Director of Unemployment Compensation Commission] | 20,000 |
| Member of Public Service Commission | 10,000 |
| Member of State Fair Board | 10,000 |
| [Member of Kentucky Aeronautics Commission | $ 5,000 ] |
| Member of [Game and] Fish *and Wildlife Resources* Commission | 1,000 |
| [Associate] Member of *Kentucky Board of Tax Appeals* [*State Tax Commission*] | 10,000 |
| Associate member of Alcoholic Beverage Control Board | 5,000 |

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Section 66. KRS 62.990 is amended to read:

(1) Any person who violates subsection (1) of KRS 62.010 *or subsection (1) of KRS 62.050* shall be fined not less than fifty

nor more than one hundred dollars and removed from office by the judgment of conviction.

(2) If any person violates subsection (2) or [subsection] (3) of KRS 62.010, *or subsection (2) or (3) of KRS 62.050,* his office shall be considered vacant and he shall not be eligible for the same office for two years.

[(3) Any person who violates subsection (1) of KRS 62.050 shall be fined not less than fifty nor more than one hundred dollars and removed from office by the judgment of conviction.]

[(4) If any person violates subsection (2) or subsection (3) of KRS 62.050, his office shall be considered vacant and he shall not be eligible for the same office for two years.]

Section 67. KRS 63.080 is amended to read:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, any person appointed by the Governor, either with or without the advice and consent of the Senate, may be removed from office by the Governor for any cause the Governor deems sufficient, by an order of the Governor entered in the Executive Journal removing the officer.

(2) Members of the Board of Trustees of the University of Kentucky, members of the Board of Regents respectively of Eastern Kentucky State [Teachers] College, Western Kentucky State [Teachers] College, Morehead State [Teachers] College and Murray State [Teachers] College may not be removed except for cause.

Section 68. KRS 64.185 is amended to read:

[(1)] Coroners shall receive out of the county treasury, such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

| | County Population | Monthly Minimum Compensation |
|---|---|---|
| (a) | 10,000 or less | $ 25 |
| (b) | 10,001 to 20,000 | 50 |
| (c) | 20,001 to 40,000 | 75 |
| (d) | 40,001 to 60,000 | 100 |
| (e) | 60,001 to 100,000 | 125 |
| (f) | 100,001 to 200,000 | 150 |

[(2) Coroners from any county containing a city with a population of 50,000 or more shall receive a supplemental salary from such city at least equal to the minimal monthly salary paid by the county. In addition, any city or the fiscal court of any county may provide monthly compensation for one or more deputy coroners. Such deputy coroners shall be appointed by the coroner and may be removed by the coroner at any time.]

[(3) The provisions of this section shall not apply to any coroner in office at the time this section takes effect for the remainder of his present term.]

Section 69. Section 64.345 of 1964 Supplement to KRS is amended to read:

(1) The circuit clerk, *county clerk,* sheriff and jailer of each county having a population of 75,000 or over shall receive an annual salary of $9,600.

(2) The amount, if any, allowed for the necessary office expenses of each officer shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by the judges or a majority thereof of the courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(3) Each officer shall, on the first day of each month, send to the Department of Finance a statement, subscribed and sworn to by him, showing the amount of money received or collected

by or for him the preceding month, as fees or compensation for official duties, and shall, with such statement, send to the Department of Finance the amount so collected or received. The Department of Finance may extend the time for filing the statement and making the payment for a period not exceeding ten days in any month.

(4) The salary of each officer and his deputies and assistants and his office expenses, shall be paid monthly by the State Treasurer upon the warrant of the Department of Finance made payable to the officer. If seventy-five percent of the amount paid into the State Treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his office for that month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the Department of Finance to any [such] officer for salaries and expenses exceed seventy-five percent of the amount paid to the Department of Finance by the officer during his official term.

(5) The number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by an order entered upon the order book of the circuit court and county court and signed by the judges or a majority thereof of *those* [said] courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

Section 70. KRS 64.480 is amended to read:

[Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1959, and with respect to the other offices named in this section, on the first Monday in January, 1960,] The *annual* compensation of the following named officers, payable monthly out of the State Treasury, shall be [the sum per annum designated for the respective offices,] as follows:

Governor, $18,000;

Lieutenant Governor, an amount sufficient, when added to any per diem received during sessions of the General Assembly while serving in the capacity of President of the Senate, to equal $12,000 per annum, plus any compensation received while acting in the place of the Governor;

Attorney General, $12,000;

Superintendent of Public Instruction, $12,000;

Commissioner of Agriculture, $12,000;

Secretary of State, $12,000;

State Treasurer, $12,000;

Auditor of Public Accounts, $12,000;

Clerk of the Court of Appeals, $12,000;

Section 71. KRS 64.510 is amended to read:

*(1)* The maximum compensation that may be received by a Commonwealth's attorney out of the State Treasury, including the annual salary and the percentage of fines and forfeitures provided for in *subsection (2) of this section* [KRS 69.050], shall not exceed $6,000 *and the amount provided by KRS 64.515.*

*(2) Each Commonwealth's attorney shall receive an annual salary of $500 to be paid out of the State Treasury. In addition thereto and in lieu of all taxed fees and perquisites, he shall be allowed the sum of $5,500 a year out of the fines and forfeitures rendered in his district, to be paid monthly out of the fines and forfeitures collected and paid into the State Treasury each month. Except as provided in KRS 150.160, he shall receive forty per cent of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district in any year are not sufficient to allow him $5,500 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the pre-*

*ceding year to $5,500. In no case shall he receive more than the maximum allowed under subsection (1) of this section.*

(3) *The fiscal court of any county may allow the Commonwealth's attorney for that county additional compensation it deems proper and may also make allowances to him similar to those authorized by KRS 69.500 with respect to circuit judges. The allowances shall be paid as other claims against the county are paid.*

[(3) Counties shall have the same authority to allow and pay additional compensation to the Commonwealth's Attorney as is conferred by KRS 64.500 with respect to circuit judges, within the constitutional limit on the compensation of local officers.]

Section 72. A new section to be known as KRS 64.518 is created to read:

(1) In counties having a population of 200,000 or more:

(a) The first and second assistant Commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $5,000 nor more than $6,000. One assistant Commonwealth attorney shall receive an annual salary of not less than $4,000 nor more than $6,000 as fixed by the fiscal court and other assistant Commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $4,800.

(b) The stenographers appointed under KRS 69.100 shall each receive an annual salary of not less than $2,700. The stenographer appointed to perform the duties of record clerk shall receive an annual salary of not less than $3,600.

(2) The salaries described in subsection (1) of this section shall be paid in equal monthly installments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

(3) In judicial districts composed of one county containing a city of the second class and having a population of less than 200,000, the assistant Commonwealth's attorney shall receive an annual salary of not less than $4,000 nor more than $6,000 to be fixed by the fiscal court and paid out of the county levy in equal monthly installments.

Section 73. KRS 64.520 is amended to read:

*(1)* In any judicial district composed of only one county, the assistant Commonwealth's attorney and the stenographers and district detectives for the Commonwealth's attorney, provided for by law, shall receive such compensation, payable out of the county treasury, as is fixed by the fiscal court, *subject to KRS 64.518 and 64.525.*

*(2)* In any judicial district composed of more than one county, for which an assistant Commonwealth's attorney, stenographer or district detective for the Commonwealth's attorney is provided for by law, the fiscal courts of the several counties shall, by joint action, exercise the powers conferred by this section upon the fiscal courts of single-county districts with respect to fixing compensation, and such compensation shall be paid out of the county treasuries of the respective counties in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney.

Section 74. A new section to be known as KRS 64.525 is created to read:

(1) In counties having a population of 150,000 or more, the district detectives appointed under KRS 69.110 shall each receive an annual salary of not less than $3,600.

(2) In counties containing a city of the second class, the district detective appointed under KRS 69.110 shall receive an annual salary of not less than $4,000 nor more than $6,000.

(3) In counties containing a population of 40,000 or more but not containing a city of the second class, the district detective appointed under KRS 69.110 shall receive an annual salary of not less than $1,800 nor more than $4,800.

(4) The salaries described in subsections (1) to (3) of this section shall be paid in equal monthly installments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

(5) In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of

sums sufficient to reimburse the district detectives for expenses incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.

Section 75. Subsection (1) of 64.530 of 1964 Supplement to KRS is amended to read:

(1) Except as provided in subsections (2) and (3) of this section, the fiscal court of each county shall fix the compensation of every county officer and employe except the officers named in KRS 69.005. For the purposes of this section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section. In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 69.005 may receive, from both sources. *The fiscal court may also* [, and also shall have authority to] fix the number of deputies and assistants, and the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. In the case of county officers elected by popular vote, the compensation of any such officer, and of his deputies and assistants, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by the law in force and effect on November 1, 1949. In the case of county officers elected by popular vote, for terms commencing after June 30, 1950, the annual compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which such officers are elected, and shall not be changed during the term.

Section 76. KRS 64.640 is repealed and re-enacted to read:

(1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, com-

missioners of the Court of Appeals, employes of the General Assembly, including employes of the Legislative Research Commission, members of boards and commissions, and presidents and employes of the University of Kentucky and the state colleges, the Department of Personnel shall prepare a schedule of compensation, payable out of the State Treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employe, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, or other unit of state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the Department of Personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 18.190 to 18.230. No such schedule shall become effective until it has been approved by the Governor.

(2) The Governor shall set the compensation payable out of the State Treasury to each office or position in the state service hereinafter named. Such compensation shall be based upon studies of the duties and responsibilities of the positions and upon a comparison with compensation being paid for similar or comparable services elsewhere; but such compensation shall not exceed $17,500.

Adjutant General, Commissioner of Alcoholic Beverage Control, Executive Director of the State Tuberculosis Sanatoria Commission, Commissioner of Child Welfare, Commissioner of Natural Resources, Commissioner of Commerce, Commissioner of Economic Security, Commissioner of Finance, Commissioner of Health, Commissioner of Highways, Commissioner of Public Information, Commissioner of Public Safety, Commissioner of Revenue, Commissioner of Banking and Securities, Commissioner of Insurance, Commissioner of Motor Transportation, Commissioner of Personnel, Commissioner of Corrections, Commissioner of Mines and Minerals, Administrator of Distilled Spirits Unit,

Administrator of Malt Beverages Unit, Commissioner of Aeronautics, Commissioner of Fish and Wildlife Resources, Commissioner of Labor, Director of the Commission for Handicapped Children, Manager of the Kentucky State Fair, Chairman and Members of the Public Service Commission, Members of the Workmen's Compensation Board, and heads of statutory departments and agencies other than those named in this subsection.

(3) The compensation payable out of the State Treasury to officers and employes subordinate to any office or position listed in subsection (2) of this section shall not exceed the maximum rate established pursuant to subsection (2) of this section for such office or position, except with respect to physicians as provided in KRS 64.655 and employes of the Public Service Commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the Department of Personnel with the approval of the Governor as provided in subsection (1) of this section.

(4) The compensation payable out of the State Treasury to any subordinate officer or employe in any department, agency, board or commission of the state government not covered by subsection (3) of this section, except elective officers, their assistants and employes, shall not exceed $7,500 per annum, provided however that Doctors of Veterinary Science may be paid not to exceed $10,000 per annum.

(5) Nothing in this section shall preclude the allowance of maintenance to officers and employes of the state.

Section 77. KRS 64.690 is amended to read:

(1) Except as provided in KRS 64.610 [and 64.700] and in [subsections (2), (3) and (4) of] this section, KRS 64.480 to 64.760 are intended to supersede any existing statute, [or provision of the Civil Code or Criminal Code, and any other Act enacted at the 1950 Session of the General Assembly,] fixing the compensation, or authorizing any public officer or body to fix the compensation, of any public officer or employe covered by KRS 64.480 to 64.760.

(2) Any public officer or body which [now] has authority to fix the compensation of any state officer or employe covered

by KRS 64.640 shall [continue to] exercise such authority, subject to the schedule and limits of compensation for the particular office or position prescribed under KRS 64.640.

(3) KRS 64.480 to 64.760 are not intended to supersede any existing statute, [or any Act enacted at the 1950 Session of the General Assembly,] with respect to the compensation of circuit clerks, county clerks, sheriffs, jailers, master commissioners and receivers, and their deputies and assistants, in counties containing a population of 75,000 or more, or county tax commissioners, their deputies and assistants, in any county.

[(4) Until such time as the new rates of compensation for the officers named in KRS 6.190 and 64.480 become effective under those sections, KRS 64.480 to 64 760 are not intended to supersede the existing statutes relating to the compensation of those officers, and KRS 64.480 to 64.760 are not intended at any time to supersede the existing statutes relating to the compensation of the Chief Clerks of the Senate and House of Representatives except as to subsection (3) of KRS 6.230.]

Section 78. Section 65.250 of 1964 Supplement to KRS is repealed and re-enacted to read:

(1) Any such agreement shall specify the following:

(a) The duration of the agreement;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with a statement of the powers delegated thereto; provided such legal entity may be legally created;

(c) The purpose or purposes of such legal or administrative entity;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor; said agreement for financing the joint or cooperative undertaking shall include agreements relative to the respective responsibilities of the units of government involved for the payment of the employer's share involved in any pertinent pension plan or plans, if any, provided for by KRS 65.280;

(e) The permissable method or methods to be employed in

accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(f) Any other necessary and proper matters.

(2) In the event that the agreement does not establish a separate legal or administrative entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to paragraphs (a), (c), (d), (e) and (f) enumerated in subsection (1) of this section, containing the following:

(a) Provision for an administrator or joint board responsible for administering the joint or cooperative undertaking. In the event that a joint board is established, the public agencies party to the agreement shall be represented thereon;

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

Section 79. Section 65.280 of 1964 Supplement to KRS is repealed and re-enacted to read:

(1) In the event that a public agency or agencies determine to transfer any of its employes to the joint or cooperative action, which employes are subject to any civil service laws or regulations, such employes shall not lose any rights or benefits which have accrued prior to such transfer. Such employes, when transferred, shall be considered as having satisfied all of the qualifications for obtaining original appointment under applicable civil service laws and regulations, and shall be considered as having been given probationary appointments as defined in such laws or regulations as of the date they are so placed in the classified service.

(2) In the event that the joint or co-operative action is such that its employes would be afforded civil service rights or benefits if they were employes of a county or city, such employes shall be afforded the protection of civil service laws or regulations; provided, however, that such protection is available under the laws of this state.

(3) In the event the joint or co-operative action employs

a person employed immediately prior thereto by a component city or county, or by a special district, such employe shall be deemed to remain an employe of such city, county or special district for the purposes of any pension plan of such city, county, or special district, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employe of the city, county, or special district, until the joint or co-operative action has provided a pension plan to which such employe is eligible and such employe has elected, in writing, to participate therein. Until such election, the joint or co-operative action shall deduct from the remuneration of such employe the amount which such employe is or may be required to pay in accordance with the provisions of the plan of such city, county, or special district and the joint or co-operative action shall pay to the city, county, or special district any amounts required to be paid under the provisions of such plan by employer and employe, unless an agreement, not adversely affecting the employe's interest, or expectancy, has been made pursuant to KRS 65.250 (1) (d) for the payment of the employer's pension obligation.

Section 80. KRS 69.070 is amended to read:

In counties having a population of 200,000 or more the Commonwealth's attorney shall appoint a first, second and third assistant Commonwealth's attorney for terms of four years each, but they may be removed at any time by the Commonwealth's attorney. In such counties where there are two or more criminal divisions of the circuit court, the Commonwealth's attorney may appoint, in addition to a first, second and third assistant Commonwealth's attorney, such other assistant Commonwealth's attorneys, not to exceed seven or a total of ten assistant Commonwealth attorneys, as the Commonwealth's attorney may deem necessary, one of whom shall act as secretary to the grand jury. [The first and second assistant Commonwealth's attorneys shall each receive an annual salary of not less than $5,000 nor more than $6,000. Other assistant Commonwealth's attorneys in counties having two or more criminal divisions of the circuit court, shall receive an annual salary of not less than $4,800. Salaries of assistant Commonwealth's attorneys shall be payable in equal monthly installments out of the county levy. Such

salaries may be increased by the fiscal court in accordance with KRS 64.520.]

Section 81. KRS 69.100 is amended to read:

In counties having a population of 200,000 or over the Commonwealth's attorney shall appoint four stenographers for terms of four years subject to removal at any time by the Commonwealth's attorney. Three of the stenographers shall do stenographic work and typewriting for the Commonwealth's attorney and perform other duties assigned to them by the Commonwealth's attorney. [They shall each receive an annual salary of not less than $2700.] One stenographer shall perform the duties of record clerk [and shall receive an annual salary of not less than $3600. The salaries of all stenographers shall be payable out of the county levy in equal monthly installments and such salaries may be increased by the fiscal court in accordance with the provisions of KRS 64.520.] The stenographers [shall] have the same power of administering an oath as a notary public.

Section 82. KRS 69.110 is amended to read:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's attorney. [The district detectives shall each be paid a salary of $3,600 annually, paid out of the county levy in equal monthly installments. Such salaries may be increased by the fiscal court in accordance with KRS 64.520].

(2) In counties containing a city of the second class the Commonwealth's attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. [He shall receive an annual salary of not less than $4,000, nor more than $6,000, to be fixed by the fiscal court and paid out of the county levy in equal monthly installments.]

(3) The detectives appointed pursuant to [subsections (1), (2) or (5) of] this section shall have the same powers of arrest and right to execute process as sheriffs have. They shall assist the Commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the

preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

[(4) In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of sums sufficient to reimburse the district detectives for expenses incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.]

*(4)* [(5)] In counties containing a population of 40,000 or more persons but not containing a city of the second class, the Commonwealth's attorney may, if the fiscal court concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's attorney. [Such district detectives may receive an annual salary of not less than $1,800 nor more than $4,800.]

Section 83. KRS 69.330 is amended to read:

In counties containing a city of the second class, the county attorney shall appoint a stenographer for a term of four years, subject to removal at any time by the county attorney. [The stenographer shall receive an annual salary of not less than $600 nor more than $1800 to be paid by the fiscal court out of the county levy in equal monthly installments.]

Section 84. KRS 69.340 is amended to read:

In all counties of this Commonwealth containing cities of the third, [or] fourth class or fifth class, or a county containing a part of a third class city, or having a population of fifty thousand people or over there is [hereby] created, subject to the discretion of the fiscal court or county commissioners of *the* [said] county, the office of stenographer or clerk to the county attorney. *The* [Said] stenographer or clerk shall be appointed by the county attorney for a term of four years but may be removed at any time by the [said] county attorney. [Said stenographer shall receive a salary of not less than six hundred dollars nor more than one thousand five hundred dollars per annum, to be fixed by the fiscal court of such county, and shall be payable out of the county levy of said county in equal

monthly installments.] This section does not apply to counties containing a city of the first or second class.

Section 85. KRS 70.085 is amended to read:

The return [or affidavit mentioned in §47] on a summons by an officer must state when and how the summons was served, and, if erroneous, may, with leave of the court, be amended according to the truth. An officer who makes *an* [such] erroneous return may be fined by the court not exceeding ten dollars, and *is* [shall be] liable to the person aggrieved for any injury caused by the error.

Section 86. KRS 70.110 is amended to read:

[Except as provided in subsection (1) of KRS 64.050, which is made applicable to sheriffs by KRS 64.130:]

(1) When a sheriff dies or otherwise vacates his office, his deputies shall complete the execution of any process in his or their hands. The sureties on the bond of the sheriff may require indemnity from the deputies in the manner prescribed for sureties in official or other bonds in KRS 62.090 to 62.120. If the deputies fail to give the indemnity which the court requires, their powers to act as deputy shall be revoked by the court.

(2) When the term of a sheriff expires, he shall complete the execution of any process in his hands, and any act or omission in this respect shall be covered by his official bond.

(3) When a sheriff resigns, dies or vacates his office, the plaintiff in any process or execution, upon paying to the sheriff or his deputy the fees and lawful charges for services rendered up to the time of withdrawal, may withdraw such process or execution from the hands of the sheriff or his deputy, and place the same, at his election, in the hands of any other proper officer, who shall proceed to the execution thereof in the same manner that the sheriff or his deputy was required to do by law, and under the same penalties.

Section 87. KRS 70.560 is amended to read:

The fiscal courts of the respective counties shall fix the salaries or compensation of the chief and all other appointees and

employes appointed by the county judge in accordance with the provisions of KRS 70.540 [, provided, however, that no patrolman shall be paid more than $2,400 per annum, no captain shall be paid more than $2,700 per annum, no assistant chief shall be paid more than $3,000 per annum, and no chief shall be paid more than $3,600 per annum, which salaries or compensation shall be payable in equal monthly installments out of the county levy, and further provided, that no fees or other compensation shall be paid or allowed to any of the officers or members of said county police force. Provided, however, that the above salaries shall only apply to counties having a population of 70,000 or more inhabitants; that in counties having less than 70,000 inhabitants and more than 25,000 inhabitants the salary of no person appointed under KRS 70.540 shall exceed $1,800 per annum, and in all other counties no person appointed under KRS 70.540 shall receive a salary in excess of $25 per annum]. The fiscal court [shall, by order, fix the amount of the salary of all appointees within limitations herein provided and] may within *its* [their] discretion provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of *the* [said] county police force and may, in their discretion, provide for the payment of premiums on *the* [said] bonds out of funds appropriated for *the* [said] county police force.

Section 88. KRS 74.020 is amended to read:

(1) A water district shall be administered by a board of commissioners, which shall control and manage the affairs of the district. The term of each commissioner *is* [shall be] four years, except as provided in this *section* [herein]:[.]

(a) If a district lies wholly within a single county, the board of commissioners shall consist of three residents of the district who shall be appointed by the county judge. Initial appointments shall be for terms of two, three and four years, as designated by the court. Commissioners serving under appointments on March 22, 1962, shall continue to serve until the end of their respective terms.

(b) If a district formed in a single county extends its area to include territory in an adjacent county as provided by KRS 74.115, the board of commissioners shall consist of five residents of the district, three of whom shall be appointed by the county judge of the county having the greater population within the boundaries of the district, and two of whom shall be appointed by the county judge of the remaining county. Initially upon the establishment of the extension of the district into the second county, the county judge of that county shall appoint only two commissioners, regardless of population requirements, but if the second county *is* [shall be] determined to have the larger population within the district of the two counties, he shall have the authority to fill the next vacancy existing in the representation of the original county. Orders establishing the extension shall provide for the staggering of initial terms in an equitable manner.

(2) Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only.

(3) The commission shall elect a chairman, secretary and treasurer. Each commissioner shall execute a bond, approved by the county court, conditioned on the faithful performance of the duties of his position.

(4) Each commissioner shall receive an annual salary of not more than twenty-four hundred dollars, which shall be paid out of the water district fund. In the case of single-county districts the salary shall be fixed by the county court; in two-county districts it shall be fixed by agreement between the two county courts [, except that in districts governed by a board of commissioners appointed under the provisions of Section 1 (1) (c) of Senate Bill 285 (1962), each commissioner shall receive compensation in the amount of ten dollars per diem for each meeting of the board which he attends, but for no more than three meetings in any one month, and he shall be reimbursed for his reasonable and necessary expenses in performing authorized duties for the district]. In fixing the salary of the commissioners, the court shall take into consideration the financial condition of the district and its ability to meet its obligations as they mature.

Section 89. KRS 74.050 is amended to read:

The treasurer of the commission shall pay out the funds of the commission only upon presentation of warrants signed by the chairman and countersigned by the secretary of the commission. As compensation for his services the treasurer shall receive an amount fixed by the commission, not to exceed two hundred dollars *per year.* He shall executive bond to the commission in an amount fixed by the commission.

Section 90. KRS 75.030 of 1964 Supplement to KRS is repealed and re-enacted to read:

(1) Upon creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010, the affairs of the district shall be conducted by a Board of Trustees consisting of seven members, four to be elected by the members of the district and three to be appointed by the county judge. Two members of the Board of Trustees shall be elected by the members of the Volunteer Fire Fighters of the district and shall be members thereof. Two members of the Board of Trustees shall be elected by the property owners in the district who are not active volunteer fire fighters and are property owners. The county judge of the county in which the greater part of the district is located shall appoint three members of the Board of Trustees. At the first election held after the district is formed, one volunteer fire fighter shall be elected to serve on the Board of Trustees for a period of one year and one for a period of three years and one non-volunteer fire fighter property owner shall be elected to serve on the Board of Trustees for a period of two years and one for a period of four years. On the expiration of the respective terms the successor to each shall have the same qualifications as his predecessor and shall be elected for a term of four years. In the event of a vacancy in the term of an elected trustee, the remaining elected trustees shall elect a trustee to fill the vacancy for the balance of the term. The originally appointed members of the Board of Trustees shall be appointed for terms of one, two, and three years respectively. On the expiration of the respective terms the successors to each shall be appointed for a term of three years. In the event of a vacancy in the term of an appointed trustee, the county judge shall appoint a trustee for the remainder of the term.

(2) The office of trustee and the office of chief of a fire department are incompatible. Appointment and acceptance shall constitute a vacancy of the former office of trustee or chief.

(3) Trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in the amount determined by the county judge of the county in which the greater part of the fire protection district or the volunteer fire department district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which come into his possession as treasurer. The premiums on the bond shall be paid out of the funds of the district.

Section 91. Section 76.090 of 1964 Supplement to KRS is amended to read:

(1) The district *may* [is authorized to] establish a schedule of rates, rentals, and charges, to be collected from all the real property within the district area served by the facilities of the district, and [to] prescribe the manner in which and the time at which *the* [such] rates, rentals, and charges are to be paid, and *may* [to] change *the* [such] schedule from time to time as the district [may] deem*s* necessary, advisable or expedient. *The* [Such] schedule may be based upon either, (a) the consumption of water on premises connected with *the* [such] facilities, taking into consideration commercial and industrial use of water; or (b) the number and kind of plumbing fixtures connected with *the* [such] facilities; or (c) the number of persons served by *the* [such] facilities; or (d) may be determined by the district on any other basis or classification which the district [may] determine*s* to be fair and reasonable, whether similar or dissimilar to those enumerated; or (e) any combination thereof. This schedule may include additional charges for treatment of sewage, with a surcharge where the sewage contains industrial wastes or other wastes in excess of limitations established by regulations of the district.

(2) Prior to the final adoption or modification of *the* [such] schedule for the district area, the district shall adopt a proposed schedule and published notice thereof pursuant to KRS Chapter 424. The notice so published shall be dated as of

the date of first publication thereof and shall state that the proposed or revised schedule of rates, rentals, and charges will remain open for inspection in the office of the district for thirty days from the date of *the* [said] notice, and that objections thereto in writing may be filed during *that* [said] period with the district by any person aggrieved thereby. The district shall examine and hear any and all [such] complaints, may modify the proposed schedule, and shall adopt and establish a final schedule within sixty days after the date of *the* [said] notice; *the* [such] schedule however shall not become final within a city of the first class, unless and until it has received the approval of the legislative body of the city of the first class by ordinance approved by the mayor; provided, however, the schedule finally adopted shall be sufficient and adequate to cover the purposes of this chapter. *The* [Such] schedule shall be uniform for all property falling within the same classification, which classification may be based upon the length of time the property has been in the district area, the drainage area within which the property lies or any similar or dissimilar reasonable classification. The schedule so adopted and established shall thereafter be the rates, rentals and charges for the use of the facilities of the district by users within the district area, until changed in the manner [as] herein[before] provided. *The* [Such] schedule of rates, rentals, and charges shall be established and revised from time to time so as to produce aggregate revenues to the district sufficient (a) for the payment of the interest on and principal of all revenue bonds and other obligations of the district except construction subdistrict obligations and bonds; (b) for the payment of all cost and expenses of operating and maintaining the sewer and drainage system of the district within the district area, including but not limited to that portion of the salaries, wages, and fees of all officers and employes of the district equitably allocable to operations within or for the district area; and (c) for the payment of all cost of renewals and replacement of such system within the district area; provided however, that all [such] expenses, salaries, wages, and fees necessary or incident to improvements for the account of which bonds are issued, may be included as a part of the cost of *the* [such] improvements and paid from the proceeds and *the* [such] bonds. The district may collect *the* [such] sewer rates, rentals, and charges, or cause

them to be collected and paid to it by [such] agencies [as] it [may] designates, and with whom it may make such contracts or arrangements as the district deems proper. No monies received on account of the existence or operation of construction subdistricts shall be used for the payment of district obligations, and no other monies received by the district shall be used for the payment of construction subdistrict bonds or obligations. Except as provided in the preceding sentence the use of all monies of the district received from any and all sources is hereby limited exclusively and shall be devoted solely to the payment of all obligations of the district and board created by KRS 76.010 to 76.220, and no funds from any sources authorized by KRS 76.010 to 76.220 shall be diverted to any other purposes than those in KRS 76.010 to 76.220 set forth, except that the district shall pay from district area revenues an[d] equitably allocable share of the cost *of* constructing and operating any nondistrict area facilities to which sewage from the district area is diverted in order to relieve facilities from excessive sewage and costs described in KRS 76.248 but otherwise paid for.

(3) Whenever any such sewer rates, rentals or charges for services rendered [shall] remains unpaid for a period of thirty days after the same [shall] becomes due and payable, the district shall declare the [said] property, the owner thereof, and the user of *the* [said] service, delinquent until such time as all service rates, rentals and charges are fully paid and may cut off the sewer connection and service. It is [hereby declared to be] unlawful for any delinquent to use water from any public water service or system and discharge same into a public sewer. No public water service or system shall furnish *the* [such] delinquent with water to be discharged into a public sewer. The district may enter into agreements with any public water company or *public water* service providing for the discontinuance of water service to [such] delinquents.

Section 92. KRS 76.310 is amended to read:

The district shall not include the whole or any part of any incorporated city or any [sanitation district or] metropolitan sewer district except with the consent of the legislative or managing board of *the* [such] city or district. With such consent,

the resident property owners of *the* [such] city or district will be considered as individual freeholders within the sewer construction district.

Section 93. KRS 80.110 is amended to read:

All low-cost housing projects *are* [shall be] subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated. In a city of the first class, the housing commission shall submit to the city planning and zoning commission the location, character and extent of any new street, square, park or other public way, ground or open space, or any public structure or public utility, for approval in the manner provided in KRS *100.059* [100.100].

Section 94. KRS 84.350 is amended to read:

(1) At the regular election every four years, beginning with 1895, the voters of the city shall elect a mayor, city treasurer, city attorney and assessor, each to hold office for four years and until his successor is elected and [has] qualified.

(2) At the regular election every four years, beginning with 1897, the voters of the city shall elect a judge of the police court.

(3) At the regular election each year the voters of the city shall elect one-half of the members of the general council, for terms of two years and until their successors are elected and [have] qualified, to replace those whose terms expire in that year. In cities that were in the second class in 1894 the members whose terms will expire each year shall depend on the lot cast to determine the terms of those elected in 1895. In cities that are transferred to the second class the members whose terms will expire each year shall depend on a lot cast at the first meeting of the general council elected following the transfer, by which one-half of the members elected at that election shall be determined to serve for one year, and one-half for two years. Not less than one member of the Board of councilmen shall be elected from each ward in each year.

(4) All city officers elected under this section shall enter

upon the duties of their office on the first Monday in January succeeding their election.

(5) At city elections all inhabitants of the city may vote who are *eighteen* [twenty-one] years of age or over, who are at the time citizens of the State of Kentucky and have been bona fide residents of the city for six months previous to the election, and of the precinct in which they offer to vote for sixty days preceding the election, and have registered as voters under the general law regulating registration.

Section 95. KRS 89.440 is amended to read:

(1) No person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the day for the regular election there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day of the primary election, file with the county clerk a petition signed by at least one hundred voters, in a city of the second class, or by at least fifty voters, in a city of the third or fourth class, in the following form:

"We the undersigned, qualified voters of the city of _____, and residing each at the place indicated opposite his name, do hereby request that the name of _____ be placed on the ballot as that of an applicant for nomination for the office of _____, at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of *the* [said] office.

| Name | Number | Street |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____" |

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If any voter signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing petitions the county clerk shall have published *as provided in KRS Chapter 424* [for three consecutive days in the official newspaper of the city, and in such other papers as he may designate], the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are not more than two applicants for nomination as mayor or police judge, or not more applicants for nomination for commissioner than twice the number of commissioners to be elected. In that case the applicants for mayor or police judge and the applicants for commissioner shall thereby be nominated and their names shall not be placed upon the primary ballots, and no primary election shall be held for nomination for those offices.

(5) The names of the applicants for each nomination shall be printed on the ballots as provided in KRS 89.460, with a square at the right of each name. Above the names of the applicants for nomination for mayor or police judge shall be printed the words, "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words, "Vote for four," in a city of the second, *third* or fourth class [, or "Vote for two" in a city of the third class]. The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct

at the last preceding regular election for mayor. The persons who are qualified to vote at the regular municipal election *are* [shall be] qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election *is* [shall be] applicable to challenges made at the primary election.

(7) The ballots shall be counted as provided in the general election laws, and after being so counted the result shall be published *as provided in KRS Chapter 424* [at least once in the official newspaper of the city].

(8) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for police judge, shall be thereby nominated. The eight applicants, in a city of the second or fourth class, or the four applicants, in a city of the third class, receiving the highest number of votes for nomination for commissioners *are* [shall be] thereby nominated.

(9) The expenses of the primary election shall be paid by the city.

Section 96. KRS 89.450 is amended to read:

At the regular election following the primary election, the names of the nominees shall be placed upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greater number of votes cast for mayor, the nominee receiving the greater number of votes cast for police judge, and the four nominees, in a city of the second, *third* or fourth class, [or the two nominees, in a city of the third class,] receiving the greater number of votes for commissioners shall be elected, respectively, mayor, police judge and commissioners.

Section 97. KRS 89.990 is amended to read:

(1) Any person who violates subsection (4) of KRS 89.460 shall be fined not more than two hundred dollars.

[(2) Any person who violates subsection (2) of KRS 89.570 shall be fined not more than five hundred dollars or imprisoned for not more than sixty days, or both. Conviction

shall operate to remove the person from office, and the judgment shall declare the office vacant.]

Section 98. KRS 91.590 is amended to read:

[(1)] The circuit court may give redress against unlawful distraints or garnishments of rents that *are* [may be] wrongfully made or threatened under color of this chapter, but an injunction shall be granted in such porceeding only by the court or its judge, upon notice to the city and after a hearing.

[(2) Actions against the city for taxes or assessments claimed to have been illegally paid or collected shall be commenced within six months after the cause of action accrued.]

Section 99. KRS 92.170 is amended to read:

(1) When the city council of any city of the fourth class requires the clerk of the council to perform the duties of collector, it shall also by ordinance provide that he shall take the same oath and execute the same bond, before entering upon the duties of his office, as is required of the city treasurer. It shall also provide in that ordinance for the appointment by the mayor of a special auditing committee, to be composed of three members of the council, of which the chairman of the finance committee shall be ex officio chairman. The committee, after the city tax bills have been made out by the clerk from the schedules, shall carefully check the tax bills against the schedules and correct all errors. For the performance of this task the committee may engage such clerical help as the city council thinks proper. The chairman of the committee shall sign the tax bills as "Finance Chairman" and turn them over to the clerk as collector, taking his receipt therefor in duplicate, showing the number of bills delivered and their aggregate amount, and in cases where school and city taxes are required by law to be placed upon the same bills the receipt shall show the aggregate amounts of school taxes and of city taxes separately and a copy of the receipt shall be certified to the board of education. The clerk of the city council, when acting as collector, shall have all the powers and responsibilities of the collector. When the duties of collector are imposed upon the clerk after his election, the city council may allow him a reasonable compensation for the added duties for the remainder of his term.

(2) In all cases in which the city council requires the clerk to perform the duties of collector it may provide by ordinance that all local taxes due or to become due for improvement of streets shall be payable to the clerk at his office, instead of at the office of the city treasurer. In that case the clerk shall keep in his office, in a book provided for that purpose, a record of all assessments of such local taxes thereafter assessed, showing the name and portion that all local taxes due or to become due of the street in which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made. If the assessments have already been made, the book or books showing such record shall be delivered to the clerk. When any improvement tax is paid to the clerk, he shall make proper entry thereof in the record book provided for in this subsection, and the lien for the tax shall then stand released. The clerk shall carefully keep a separate account of the funds arising from assessments for each particular improvement, and each of the funds shall, upon the order of the city council, be turned over to the city treasurer, who shall also keep a separate account of the funds, and thereafter the funds shall be applied as provided by KRS *94.291 to 94.354* [94.390 and 94.400]. In all such cases the clerk shall have the same power as the city treasurer to coerce payment.

Section 100. KRS 93.354 is amended to read:

(1) Any city of the first class *may* [is hereby authorized to] provide funds for carrying out the purposes of KRS 93.352 to 93.356, by the issuance and sale of revenue bonds [as hereinafter set forth]. *The* [Such] city may from the proceeds of *the* [and such] bonds reimburse its general fund for any expenditures for such purposes made by it before sale and delivery of the bonds. *The* [Such] bonds shall not constitute an indebtedness of *the* [such] city but shall be secured by such revenues as the legislative body of *the* [such] city [may] by ordinance provides. *The* [Such] legislative body may pledge all or any part of any one or more of the following:

(a) The revenues derived from the property acquired or constructed from the proceeds of such bonds;

(b) Any revenues of any other similar project whether acquired from the proceeds of similar bonds or otherwise;

(c) Any revenues derived by the city from street parking meters.

(2) *The* [Such] bonds shall be designated on their face, "Public Off-Street Parking Facilities Revenue Bonds." It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 93.352 to 93.356 and that it does not constitute an indebtedness of *the* [such] city within the meaning of any constitutional provisions or limitations, or at all. *The* [Such] bonds shall be authorized by ordinance of the legislative body of *the* [such] city. The bonds shall be dated, shall bear interest at [such rate or] rates not exceeding five per centum per annum, shall be in *the* [such denomination or] denominations, shall be payable at *the* [such] place [or places], which may be at any bank or trust company within or without the Commonwealth, shall mature at *the* [such] time [or times] not exceeding forty years from their date [or dates], and may be made redeemable before maturity, at the option of the city, at [such price or] prices and under *the* [such] terms and conditions, and shall be executed in *the* [such] form and manner, all as [may be] fixed by the legislative body of *the* [such] city prior to the issuance of the bonds. The [said] legislative body shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds. In case any officer whose signature [shall] appears on any bonds or coupons [shall] ceases to be such officer before the delivery of *the* [such] bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until [such] delivery. The bonds may be issued in coupon or in registered form, or both, as the [said] legislative body [may] determines, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bond registered as to both principal and interest into coupon bonds. Such bonds shall be exempt from taxation by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof. Such bonds may be issued without a vote of voters and without any other proceedings or happenings or any other conditions or things than those proceedings, conditions, and things which are specified and required by KRS 93.352 to 93.356. The [said] legislative body

may authorize the sale of *the* [such] bonds in *the* [such] manner and for *the* [such] price [as] it [may] determines to be for the best interests of the city, but no [such] sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. If the proceeds of *the* [such] bonds by error of calculation or otherwise, *are* [shall be] less than the cost of the facilities for which the bonds *are* [shall be] authorized, additional bonds may in like manner be issued to provide the amount of *the* [such] deficit, and unless otherwise provided in the ordinance authorizing the issuance of the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. The ordinance authorizing the bonds may make such other conditions and provisions therefor, including provisions for the issuing of additional bonds and prescribing the relative priority thereof as the legislative body of *the* [such] city [may] deems desirable. Bonds issued pursuant to KRS 93.352 to 93.356 shall have and are hereby declared to have, in the hands of a bona fide holder, all of the qualities of negotiable instruments under the law of merchant, or the *Uniform Commercial Code-Commercial Paper.* [Negotiable Instrument Act of the Commonwealth of Kentucky.]

Section 101. KRS 95.290 is amended to read:

(1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police and fire divisions of the department of public safety and their dependents, may appropriate funds for the purpose of paying such pensions, may allot and pay to the policemen's pension fund or the firemen's pension fund or either or both of them, all fines and forfeitures imposed upon members of the respective divisions, and may provide for, assess and collect contributions from the members for the benefit of the fund.

(2) Any pension fund established under the provisions of this section shall be held and distributed for the purpose of paying pensions and for no other purpose, except that the governing board of the fund may annually expend for the necessary expenses connected with the fund, including but not limited to

expenses for medical, actuarial, accounting and legal services, the amount such governing board deems proper.

*(3) Any ordinance establishing a pension fund under this section shall make equitable provision for the rights of persons having an interest in assets transferred to the fund from any fund heretofore established by statute.*

Section 102. KRS 95.520 is amended to read:

(1) There shall be [created] in cities of the [second and] third class[es] a policemen's and firemen's pension fund, and a board of trustees for that fund.

(2) The board of trustees *is* [shall be] the trustee of the pension fund, and *has* [shall have] exclusive control and management of the pension fund and of all moneys donated or paid for the relief or pensioning of members of the police and fire departments. It may do all things necessary to protect the fund.

Section 103. KRS 95.530 is amended to read:

[(1) In cities of the second class the board of trustees of the policemen's and firemen's pension fund shall be composed of the mayor, city treasurer, chief of the police department, chief of the fire department and one member each from the police and fire departments. The members from the police and fire departments shall be elected by the respective members of those departments annually by ballot, one from each department, and shall serve for one year and until their respective successors are elected and qualified. The board shall select from their number a president and a secretary.]

[(2)] In cities of the third class the board of trustees of the policemen's and firemen's pension fund *is* [shall be] composed of the mayor, city treasurer, chief of the police department, chief of the fire department and one member each from the police and fire departments. The members from the police and fire departments shall be elected by the respective members of those departments annually by ballot, one from each department, and shall serve for one year and until their respective successors are elected and qualified. The board shall select from their number a president and a secretary.

Section 104. KRS 95.540 is amended to read:

(1) The board of trustees of the pension fund in cities of the [second and] third class[es] may make all necessary rules for its government in the discharge of its duties, and shall hear and decide all applications for benefits or pensions. Its decision on these applications shall be conclusive, and not subject to revision or reversal, except by the board. A record shall be kept of the meetings and proceedings of the board.

(2) The board of trustees of the pension fund shall make an annual report on the condition of the pension fund to the city legislative body, at that body's last meeting in August.

Section 105. KRS 95.560 is amended to read:

[(1) In cities of the second class, the pensions or benefits paid from pension funds on retirement shall be as follows:]

[(a) Any member of the police or fire department having served twenty years or longer and the last five years thereof consecutively, may petition the board of trustees of the pension fund for retirement, and upon it being established that he is reasonably entitled to retirement the board shall order paid to him monthly fifty percent of his monthly salary at the time of retirement.]

[(b) Any member having served fifteen years and the last five years thereof consecutively, and who has become so disabled as to render him unfit for service in the department, may on proof of his disability, petition the board of trustees for retirement, and upon a showing that he is reasonably entitled to retirement the board shall order paid to him monthly fifty percent of his monthly salary at the time of retirement.]

[(c) The benefits provided for in this subsection shall accrue to any member who, within the twelve months immediately preceding March 10, 1938, was forced to retire from service in the police or fire department by reason of disability.]

[(2)] In cities of the third class, any member of the police or fire department having served twenty years or longer consecutively in the police or fire department may petition the board of trustees for retirement, and if his petition is granted the board may order paid to him monthly fifty percent of his monthly salary at the time of retirement.

Section 106. KRS 95.570 is amended to read:

When an active or retired member of the police or fire department, in cities of the [second and] third class[es], dies under the conditions set out in *paragraph (c) of subsection (1) of* KRS 95.550 [(1) (c)], the board of trustees of the pension fund may pay from the fund to the widow or family a sum of not more than one hundred dollars, for funeral expenses.

Section 107. KRS 95.590 is amended to read:

(1) The city treasurer, in cities of the [second and] third class[es], *is* [shall be] ex officio treasurer of the board of trustees of the pension fund, and custodian of the pension funds.

(2) The treasurer, as custodian, shall securely keep the fund, subject to the control of the board, and shall keep his books and accounts concerning the fund in *the* [such] manner [as may be] prescribed by the board. The books and accounts *are* [shall] always [be] subject to the inspection of the board or any board member.

(3) The treasurer shall, within ten days after his election, execute a bond to the city with good surety, in *the* [such] penal sum [as] the board of trustees directs, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all money and properties that come into his hands as treasurer of the pension fund, and that upon the expiration of his term of office he will deliver to his successor all securities, unexpended moneys and other properties that come into his hands as treasurer of the fund. The bond shall be filed in the office of the treasurer, and suit may be filed thereon in the name of the city for the use of the board or any person injured by its breach.

Section 108. KRS 95.600 is amended to read:

The board of trustees in cities of the [second and] third class[es,] may draw the pension fund from the treasury and shall invest it, in whole or in part, in the name of the board, as the board deems most advantageous for the objects of the fund, in interest-bearing bonds of any county, or any city of the first, second or third class in this state, or in any securities in

which trustees are permitted to invest trust funds under the laws of this state. The securities shall be deposited with the treasurer of the board, and shall be subject to the order of the board.

Section 109. KRS 95.610 is amended to read:

(1) The officers of cities of the [second and] third class[es] designated by law to draw warrants on the city treasurer shall, on request in writing by the board of trustees of the pension fund, draw warrants on the city treasurer payable to the treasurer of the board of trustees of the pension fund for all funds belonging to the pension fund.

(2) Moneys ordered paid from the pension fund to any person shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of the board and countersigned by the secretary. No warrant shall be drawn except by order of the board of trustees duly entered on the records of the proceedings of the board.

(3) If at any time there is not sufficient money in the pension fund to pay each beneficiary the full amount per month to which he is entitled, an equal percentage of the monthly payments due shall be paid to each until the fund is so replenished as to warrant payment in full to all beneficiaries.

Section 110. KRS 95.620 is amended to read:

The policemen's and firemen's pension fund in cities of the [second and] third class[es] shall be held and distributed for the purpose of paying pensions and benefits, and for no other purpose.

Section 111. KRS 95.830 is amended to read:

(1) Any city in the state owning or controlling fire apparatus may take it to extinguish fires to any point in the county in which that city is located, into a smaller territory in that county. or into areas of another county or state, as determined by the city legislative body. The apparatus shall be so used only in conformity with reasonable terms and regulations which the city legislative body may prescribe.

(2) [Neither] The city [nor its officers or employes]

shall *not* be liable in any manner on account of the use of the apparatus at any point outside of the corporate limits of the city. The apparatus shall be deemed to be employed in the exercise of a governmental function of the city.

(3) All city or fire protection district firemen, full-paid or volunteer, serving at a fire or doing fire prevention work outside the corporate limits of a city or a fire protection district shall be considered as serving in their regular line of duty, as though they were serving within the corporate limits.

(4) Full-paid firemen shall receive no additional compensation, and volunteer firemen shall receive only the compensation provided by ordinance for such cases.

(5) All firemen *are* [shall be] entitled to the benefits of any pension fund or firemen's fund, the same as if the fire fighting or fire prevention work had been within the corporate limits of the city or the fire protection district.

Section 112. KRS 97.405 is amended to read:

All powers and duties *formerly* [heretofore] granted to or imposed upon the Board of Park Commissioners (White) or the Board of Park Commissioners (Colored) in any city of the second class *are* [shall be] vested in the city. *The title to all park property formerly held by either board in the city is vested in the city, subject to any leases in effect as of May 18, 1956.*

Section 113. KRS 97.425 is amended to read:

The term "park property" as used in KRS 97.405 to 97.485 shall be liberally construed, and [shall] includes all parks, squares and areas of land within the management of *the city* [either the Board of Park Commissioners (White) or Board of Park Commissioners (Colored)]; all buildings, srtuctures, improvements, seats, benches, fountains, trees, plants, herbages, flowers and other things thereon and the enclosures of same; all shade trees on street or thoroughfares, resting places, watering stations, playgrounds necessary and incidental to such public parks and property, parade grounds and the like; all connecting parkways and roads or drives between parks, all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and

ornaments of any description; all birds, animals or curiosities or objects of interest or instruction placed in or on any such enclosures, ways, parkways, roads or places; all maintenance and construction equipment, recreation supplies, and facilities, and any interest or right which the *city is* [Board of Park Commissioners (White) or the Board of Park Commissioners (Colored) may have been] able to exercise.

Section 114. A new section to be known as KRS 97.441 is created to read:

(1) Any city of the second class has the care, management and custody of the parks and grounds used for park purposes, the boulevards and parkways belonging to the city or in the control of the city, and all property acquired for park purposes or public squares by the city.

(2) Each city of the second class may:

(a) Acquire and hold property for public parks and public squares and for parkways connecting the parks, by condemnation, contract, purchase or gift;

(b) Lay out and improve the parks, parkways, squares and other property held or managed by it with walks, drives, roads, trees and other proper improvements, and contract for such improvements;

(c) Protect all park property and improvements belonging to the city or under its management or control from injury or decay;

(d) Adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, parkways, public squares, boulevards, driveways, walks and park property generally;

(e) Prevent disorder and improper conduct within the precincts of any park or enclosure, or upon any drive, walk or avenue under the control of the city;

(f) Control and manage the planting and care of all shade trees along the sidewalks and thoroughfares of the city, and adopt and enforce rules and regulations necessary for the protection and care of the trees.

(3) In locating parks the city shall regard the needs of the different sections of the city and the suitability of the ground for park purposes, as well as the cost thereof. The city shall have discretion as to the location and improvement of parks.

(4) The police power of the city extends over the park property of every kind, as it is acquired. All violations of the park rules and regulations and all other offenses committed within any park property or precinct shall be punished as provided by law in cases of misdemeanors and violations of city ordinances.

Section 115. KRS 97.485 is amended to read:

[(1) The Board of Park Commissioners (White) and the Board of Park Commissioners (Colored) in cities of the second class shall cease to exist upon the effective date of KRS 97.405 to 97.485.]

[(2)] Nothing in KRS 97.405 to 97.485 shall be construed to conflict with the provisions of KRS 97.020.

Section 116. KRS 98.180 is amended to read:

The fiscal court of any county containing a city [or cities] of the first class and the legislative body of any city of the first class in *the* [said] county may, upon their joint action, combine, consolidate and jointly control, *the* [as provided in KRS 98.190 to 98.290, such] departments, boards and other organizations [now existing or which in the future shall be] created for the purpose of serving either the county or the city, or both, in the administration and supervision of: All forms of public assistance, general relief, and social services to adults and children in homes or eleemosynary and correctional institutions; city and county eleemosynary institutions; city and county penal institutions including the establishment of rules and regulations for the custody, government, and parole of inmates; other public welfare activities or services which *are* [may be] placed within the control of the *city or fiscal court* [board].

Section 117. KRS 100.057 is amended to read:

(1) Any person, firm, corporation, organization, public official or governmental agency or department, being a party

of record at such hearing, claiming to be injuriously affected or aggrieved by any action or decision by the commission, may appeal from such action or decision to the circuit court of such county, and jurisdiction is hereby given to such circuit court to hear and determine all questions and issues properly brought before it on such appeal. An appeal shall stay all action by all parties of record in the matter appealed from. Such appeals shall be taken within thirty days after notice of such action or decision has been given, as herein provided, by filing in the office of the clerk of the circuit court of such county a statement of appeal, setting forth the action or decision of the commission appealed from, the date thereof, the reasons for said appeal, and attaching thereto as a part thereof a certified copy of such action or decision, and asking that an order to show cause be issued against and served upon the commission. But the foregoing remedy shall not be exclusive.

(2) [After the appeal is taken the procedure shall be the same as in common law actions, and all parties to the proceeding shall have the right to any and all processes, including subpoena, allowed in other cases in said circuit court.] Upon filing an appeal, notice thereof must be immediately given to the commission and to all parties of record, by [actual notice served or by] service of summons. *The summons shall direct the commission to certify its complete record of the case, or if the parties consent, an abstract thereof, to the court. No new or additional evidence may be introduced in the circuit court but the court shall hear the case on the record or abstract as certified by the commission and shall dispose of the case in a summary manner, its review being limited to a determination of whether or not the action or decision of the commission was arbitrary or unreasonable.* [Hearings in the circuit court shall be de novo and heard by the judge, and] Appeals may be taken from the decision of said circuit court to the Court of Appeals of Kentucky in the same manner as common law cases are appealed.

Section 118. KRS 104.450 is amended to read:

As used in KRS 104.450 to 104.680, unless the context otherwise requires:

(1) "Commissioner" [shall] means the Commissioner of

*Natural Resources* [Conservation] of the Commonwealth of Kentucky.

(2) "Flood control work" [shall] means [and include] all land, pumping equipment, buildings, motor vehicles, mowing machines, or any other fixtures, tools or equipment a part of or used in connection with a flood wall or other construction designed to protect an area from being flooded.

(3) "District" [shall] means a flood control district organized and created under the terms of KRS 104.450 to 104.680.

(4) "Board" or "directors" [shall] means the board of directors of a flood control district organized and created under the terms of KRS 104.450 to 104.680.

(5) "Director" [shall] means a person appointed as a member of the board of directors as provided in KRS 104.450 to 104.680.

(6) "Person" [shall] means any person, firm, copartnership, association or corporation other than a public corporation.

(7) "Public corporation" [shall] means any county, city, school district, water district or drainage district, and any other governmental agency or political subdivision clothed with the power of levying general or special taxes or issuing bonds payable from special funds.

(8) "Land" or "property" [shall] means real property.

Section 119. KRS 117.725 is amended to read:

(1) The board of registration commissioners shall cause to be made five typewritten or photostatic copies of the registration record of each person who registers. One of the copies shall be typewritten on the form signed in blank by the registrant as provided in KRS 117.720. The original record and the copy signed by the registrant shall be filed in locked binders or card files, by precincts, in such systematic order as the board prescribes, and shall constitute the precinct registers. Another copy of the record shall be filed in locked binders or card files, without regard to precincts, in alphabetical order for the entire city. The board shall furnish one copy of each record, as soon as completed, to each of the city executive committees.

(2) The board shall keep the original registration records and the copies required to be kept by this section safely in its office, and shall not permit them to be taken therefrom except as provided in KRS 117.740 and 117.745, *and except for delivery to the county clerk for the purposes of KRS 126.225* or on order of a court for the purpose of use in a trial or proceeding. The initial registration records made under Chapter 48 of the Acts of 1930 shall also be kept as provided in this section.

(3) The date on which any change in the registration or party affiliation of a voter is made shall be noted on the individual registration record of the voter in each of three registers maintained by the board. The board shall make and keep a record of all changes and transfers of registration, and shall, on the first day of each week, furnish each of the city executive committees a list of the changes and transfers made during the preceding week.

(4) If the original of any individual registration record is lost, destroyed or becomes in such condition as to render it difficult or unsafe to use, the board shall cause a new record to be made in such manner as it deems necessary consistent with the provisions of KRS 117.600 to 117.895.

Section 120. KRS 118.250 is amended to read:

(1) The county clerk shall, at the time he delivers the ballots, furnish to the election officers of each precinct a number of printed copies, equal to five percent of the ballots furnished the precinct, of the following oath:

---

"State of Kentucky )
) ss.
County of _____)

"I do solemnly swear that I am not less than *eighteen* [twenty-one] years of age; I have resided in the State of Kentucky one year, in the county of_____six months, and in precinct No. _____ sixty days, next preceding the_____election, 19____; that I reside at No._____street; that my two nearest neighbors are_____and_____;

and that I have never been convicted in any court of any felony or bribery and not pardoned therefor; and that I know of no legal disqualification that should prevent my vote from being cast and counted at this election.

---

"Subscribed and sworn to before me this the_____day of_____ 19____.

---

Judge of the Election"

---

(2) Whenever the officers of election disagree as to the qualifications of any person who offers to vote, one of the judges of the election shall administer the oath prescribed in the form set out in subsection (1) of this section, and shall correctly fill out the blanks in ink. He shall then require the person offering to vote to subscribe his name thereto, with pen and ink, and shall certify the signature. If the person refuses to take the oath and to subscribe his name thereto, he shall not be permitted to vote. If he does take the oath and subscribe his name thereto and no counter affidavit is filed, he shall be permitted to vote, unless he is further challenged as provided in KRS 118.260. The oaths so subscribed and certified shall be returned to the county clerk with the poll books.

(3) The county clerk shall safely keep the oaths and shall deliver them to the foreman of the grand jury on the first day of the next term of circuit court held in the county.

(4) The Commonwealth's and county attorney shall investigate each of the oaths and cause to be summoned before the grand jury *the* [such] witnesses [as] they, or either of them, deem proper, and the grand jury shall make a thorough investigation of all votes so cast, and return indictments against all persons [so] illegally voting. The foreman of the grand jury shall return to the county clerk all of the oaths upon which no indictments are found. The clerk shall safely keep them as a part of the records of his office, and shall produce any or all of them, when required, to any subsequent grand jury.

Section 121. KRS 118.340 is amended to read:

Any person entitled to a vote at any election in this state shall, if he has made application for [such] leave prior to the day of election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of four hours on the day of the election, between the time of opening and closing the polls. Such person shall not, because of so absenting himself, be liable to any penalty [, nor shall any deduction be made on account of such absence from his usual salary or wages]. The employer may specify the hours during which the employe may absent himself. No person shall refuse an employe the privilege hereby conferred, or discharge or threaten to discharge an employe or subject an employe to a penalty [or deduction of wages,] because of the exercise of the privilege.

Section 122. KRS 118.350 is amended to read:

(1) When the hour of *6* [5] p.m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them, with the stub book and other utensils or election material, into the linen envelope provided by the county clerk for the purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

(2) The sheriff and judge who deliver the ballot box, key and envelope to the county clerk shall each, at the time of delivery, make and file with the county clerk an affidavit stating

in substance that neither they nor anyone else took from the ballot box while in their custody any ballot or put into it any ballot, or in any manner whatever tampered with the contents of the ballot box, and that it and its contents as well as all of the articles delivered by them to the county clerk were and are in the same condition as when taken charge of by them at the closing of the polls.

(3) The ballot box shall remain locked from the time it leaves the county clerk's office before the election until the county election commissioners unlock it for the purpose of counting the ballots.

Section 123. KRS 119.070 is amended to read:

(1) The provisions of KRS 119.050 do not apply to candidates for judge of the Court of Appeals or to candidates for judge of the circuit court. For such judicial positions any eligible person may become or be proposed as a candidate for nomination by any and every political party having a ticket to be voted for in the district for which the office is to be filled, but such persons shall not be required to seek *the* [such nomination or] nominations nor to make a declaration of party loyalty or support, and as a requirement for such nomination shall not be required to *be* [have] registered as affiliated with any political party or to *be* [have] registered at all as a voter. The nomination [or nominations] may be proposed for an eligible candidate either by resolution of the proper committee, or by the application *of* [to] reputable electors, of any political party whose nomination is sought. The resolution or application shall be filed as provided by KRS 119.080 for other nomination papers. The name of a candidate shall not be placed upon the ballot if, before the preparation of the ballots, he files with the officer with whom the nomination papers were filed a written objection, signed and sworn to by him.

(2) The name of a successful candidate in the primary for nomination [or nominations] for [such] judicial offices shall appear on the ballot at the regular election under the device of as many political parties as have nominated the candidate. He may appear thereon by petition of voters, or otherwise as may

be permitted by law, and at the regular election shall be entitled to the total of the votes that he receives on the ballot.

(3) Before any successful candidate for [such] judicial nomination *is* [or nominations shall be] given his certificate [or certificates] of nomination, he shall file with the county clerk of the county in which he resides a statement that during the campaign for the nomination [or nominations] he did not, and while a candidate for the office will not, knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if elected will qualify for the office.

[(4) Nothing in this section shall prevent any political party from offering a candidate for election for such judicial offices under the device of the party, if the governing authority of the party in the district affected so orders.]

Section 124. KRS 120.020 is amended to read:

The electors of President and Vice President of the United States shall convene at the State Capitol, at 10 a.m. on the *first Monday after the second Wednesday in December next* [second Monday in January] after their election, give their votes at or after 12 *noon* [m.], and make return thereof according to law. If any elector fails to attend by 12 *noon* [m.], on the day of the meeting, those in attendance shall fill his place by the election of another person, who shall have the same powers as if originally elected by the people.

Section 125. Section 126.145 of 1964 Supplement to KRS is amended to read:

Applications for registration by *a* person[s] *in United States services,* absent from the county of his residence shall be signed and sworn to by the applicant before anyone authorized by law to administer an oath. The application shall be substantially in the following form:

---

County Court Clerk of_____County

_____, Kentucky.

I, _____, state that

I am a resident of the state of Kentucky and have been a resident for at least one year prior to the present date. I am a resident of_____County and have been a resident for more than six months prior to the present date. I am presently absent from_____County for the reason checked below:

☐ United States Service_____
(Specify Branch)

☐ Spouse of member of United States Service_____
_____.
(Specify Branch)

☐ Dependent of member of United States Service_____
_____
(Specify Branch and kinship)

☐ Member, spouse or dependent of religious or welfare agency _____
(Specify Armed Service and Agency)

I am a resident of_____precinct of_____ County (or_____ward of the city of_____ county of_____) and have been a resident for at least sixty days prior to the present date. I reside at _____(house number and street address, if in city, or county road and nearest neighbor, if in county)

I am eighteen years of age or will be before the date of the next regular election.

I am affiliated with the_____political party.

I request by this application to be registered as a voter

_____
(Name and present address)

_____
(Rank and unit if in Armed Forces)

_____
(Department of United States Government if an employe or the wife or dependent of an employe)

---

(Voter sign here, and oath must be administered and attested)
Subscribed and sworn to before me this____day of_____,
19____

---

(Name and official title)

---

Section 126. KRS 131.990 is amended to read:

(1) Any person who fails or refuses to obey a *subpoena* [summons] or order of the Kenutcky *Board of Tax Appeals* [Tax Commission] made pursuant to KRS *131.350* [131.100] shall be fined not less than twenty-five dollars nor more than five hundred dollars.

(2) In addition to the civil liability for interest and penalty provided in KRS 131.180, any person who willfully fails to file any tax report or return within the specified time, for which failure a specific criminal penalty is not provided, shall, for the first offense, be fined not more than five hundred dollars or imprisoned in the county jail for not more than six months, or both. For any subsequent offense he shall be fined not more than one thousand dollars or imprisoned in the county jail for not more than twelve months, or both.

(3) Any person who violates any of the provisions of KRS 131.190 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both, and shall be disqualified and removed from office or employment.

(4) Any person who willfully fails to comply with the rules and regulations promulgated by the Department of Revenue for the administration of delinquent tax collections shall be fined not less than twenty dollars nor more than one thousand dollars.

(5) Any person who fails to do any act required or does any act forbidden by KRS 131.120 or 131.220 shall be fined not less than ten dollars nor more than five hundred dollars.

Section 127. KRS 132.190 is amended to read:

(1) The property subject to taxation, unless exempted by the Constitution, shall be as follows:

(a) All real and personal property within this state, including intangible personal property of nonresidents and corporations not organized under the laws of this state that has acquired a business situs within this state, except that twenty-five domestic fowls to each family shall be exempt from taxation for any purpose.

(b) All intangible personal property of individuals residing in this state and of corporations organized under the laws of this state unless it has acquired a business situs without this state.

(2) The property enumerated in paragraph (b) of subsection (1) of this section shall be considered and estimated in fixing the valuation of corporate franchises.

(3) Property shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale.

(4) The situs of intangible personal property for purposes of taxation shall be at the residence of the real or beneficial owner, and not at the residence of the fiduciary or agent having custody or possession. Any intangible property owned by a resident shall be taxable in this state, unless by the date of assessment he has changed his place of abode to a place without this state with the bona fide intention of continuing actually to abide permanently without this state. The fact that a person again abides within this state within six months from so changing his actual place of abode shall be prima facie evidence that he did not intend permanently to have his actual place of abode without this state. A person so changing his actual place of abode and not intending permanently to continue it without this state and not having listed his property for taxation as a resident of this state shall, for the purpose of having his property assessed for taxation within this state, be deemed to have resided, on the day when his property should have been so assessed, at his last actual or habitual place of abode within this state. The fact that a person does not claim or exercise the right to vote at public elections within this state shall not of itself constitute him a nonresident of this state.

(5) An administrator, executor, trustee, committee, curator, or agent residing in this state shall not be liable for taxes

on intangible personal property held by him if the real or beneficial owner of the property resides outside of this state. This exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the nonresident legatee or beneficiary is set apart to him, or before the legatee or beneficiary is entitled to be paid his share.

(6) Nothing contained in this section shall affect the liability for franchise taxes payable by corporations organized under the laws of this state; nor the method of taxation of banks and trust companies provided in KRS 136.270; nor the method of taxation of *savings* [building] and loan associations provided in KRS 136.300; and nothing contained in this section shall alter or repeal KRS 136.030.

Section 128. KRS 132.360 is amended to read:

(1) Any assessment of accounts receivable, notes, stocks or bonds or other intangible property that were listed with the county tax commissioner may be reopened by the Department of Revenue within five years after the date as of which they were assessed, unless the assessed value thereof is the face value in the case of accounts receivable and notes or the quoted value in the case of stocks and bonds, or has been established by a court of competent jurisdiction. If upon reopening the assessment the department finds that the assessment was less than the fair cash value and should be increased, it shall give notice thereof to the taxpayer, who may within thirty days thereafter protest to the department and offer evidence to show that no increase should be made. After the department has disposed of the protest, the taxpayer may appeal from any such additional assessment as provided by KRS 131.110 and *131.340* [131.120].

(2) Upon such assessment becoming final the department shall certify the amount due to the taxpayer. The tax bill shall be handled and collected as an omitted tax bill, and the additional tax shall be subject to the same penalties and interest as the tax on omitted property voluntarily listed.

Section 129. KRS 136.070 is amended to read:

(1) With respect to taxable years beginning after Decem-

ber 31, 1961, every corporation owning property or doing business in this state, except banks and trust companies, foreign insurance companies, domestic life insurance companies, foreign and domestic *savings* [building] and loan associations, and corporations that, under existing laws, are liable to pay a franchise tax, shall pay to the state an annual license tax based upon the value of its capital stock, as provided by *KRS 136.072* [section 4 hereof].

(2) Every corporation not exempted by subsection (1) of this section shall pay an annual license tax of seventy cents on each one thousand dollars of that part of the value of its capital stock represented by property owned and business transacted in this state, which shall be ascertained by finding the proportion that the property owned and business transacted in this state bears to the aggregate amount of property owned and business transacted in and out of this state, which factors shall be determined as hereinafter set forth, and such tax shall be computed by the taxpayer.

(3) No corporation required to pay an annual license tax under this section shall pay a less sum therefor than ten dollars.

Section 130. KRS 136.290 is amended to read:

(1) Every domestic *savings* [building] and loan association making loans to members only shall, during January of each year, file with the Department of Revenue a report containing such information and in such form as the department may require.

(2) The department shall fix the total value, as of January 1 of each year, of the capital stock composed of shares of each *savings* [building] and loan association, excepting the shares of borrowing members where the amount borrowed equals or exceeds the amount paid in by those members. The department shall immediately notify each association of the value so fixed.

Section 131. KRS 136.300 is amended to read:

(1) By July 1 succeeding the filing of the report provided for in KRS 136.290, each domestic *savings* [building] and loan association shall pay directly into the State Treasury a tax of one

dollar for each one thousand dollars paid in on its capital stock as fixed in KRS 136.290. The individual shareholders shall not be required to list their shares for taxation for any purpose. The association shall not be required to pay local taxes upon its capital stock, surplus, undivided profits, notes, mortgages or other credits, and the tax provided by this section shall be in lieu of all taxes for state purposes on property of the association. Failure to make reports and pay taxes as provided in this section and in KRS 136.290 shall subject the association to the same penalties imposed for such failure on the part of the other corporations.

(2) If a domestic *savings* [building] and loan association so elects, it may deduct the taxes imposed in subsection (1) of this section from the dividends paid or credited to a nonborrowing shareholder.

Section 132. KRS 136.310 is amended to read:

(1) Every foreign *savings* [building] and loan association authorized to transact business in this state shall, on January 1 of each year, file a report under the oath of its president or secretary, certified to by at least three directors, showing the gross amount of assessments, dues, fines, membership fees and all money collected by it from shareholders residing in this state during the previous year. This report shall also show the amount of money loaned by the association to any of its shareholders residing in this state during the previous year.

(2) Every such association shall pay to the *Commissioner of Banking and Securities* [Director of the Division of Banking], to be by him paid into the State Treasury, the sum of three dollars on every one hundred dollars received by the association from shareholders residing in this state, less the amount actually loaned to shareholders residing in this state.

Section 133. KRS 136.990 is amended to read:

(1) Any county clerk who fails to comply with the provisions of subsection (2) of KRS 136.020 shall be fined not less than ten dollars nor more than twenty-five dollars.

(2) Any corporation that fails to pay its taxes, penalty and interest as provided in subsection (2) of KRS 136.050, after be-

coming delinquent, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin circuit court shall have jurisdiction.

(3) Any public service corporation, or officer thereof, that willfully fails or refuses to make reports as required by KRS 136.130 and 136.140 shall be fined one thousand dollars, and fifty dollars for each day the reports are not made after March 31 of each year.

(4) Any superintendent of schools or county clerk who fails to report as required by KRS 136.190, or who makes a false report, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

[(5) Any person who violates any of the provisions of subsection (2) of KRS 136.250 shall be fined not more than one thousand dollars. If the offender is an individual, he may in addition be confined in the county jail for not more than six months, or both so fined and imprisoned. If the offender is a corporation, the principal officer or the officer responsible for the violation, or both such officers, may be punished by such imprisonment. The fine shall be in addition to the penalties provided by subsection (3) of KRS 136.250.]

*(5)* [(6)] Any company or association that fails or refuses to return the statement or pay the taxes required by KRS 136.330 or 136.340 shall be fined one thousand dollars for each offense.

*(6)* [(7)] Any insurance company that fails or refuses for thirty days to return the statement required by KRS 136.330 or 136.340, under the oath of some principal officer or general agent or manager of this state, and to pay the tax required by KRS 136.330 or 136.340, shall forfeit one hundred dollars for each offense. The *Commissioner* [Director of the Division] of Insurance shall revoke the authority of the company or its agents to do business in this state, and shall publish the revocation *pursuant to KRS Chapter 424* [in some newspaper of this state].

*(7)* [(8)] Any person who violates subsection (3) of KRS 136.390 shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

*(8)* [(9)] Where no other penalty is mentioned for fail-

ing to do an act required, or for doing an act forbidden, by this chapter, the penalty shall be not less than ten dollars nor more than five hundred dollars.

*(9)* [(10)] The Franklin circuit court shall have jurisdiction of all prosecutions under subsections *(5)* [(6)] to *(7)* [(8)], of this section.

*(10)* [(11)] If any taxpayer fails to make or file a return as required by KRS 136.090 on or before the due date of the return, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five per cent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which it was filed, but the total penalty shall not exceed twenty-five percent of the tax; provided, however, that in no case shall a penalty be less than ten dollars.

*(11)* [(12)] If the tax imposed by KRS 136.070, whether assessed by the department or the taxpayer, or any installment or portion of the tax, is not paid on or before the date prescribed for its payment, it shall be collected as a part of the tax, interest upon the nonpaid amount at the rate of six per cent per annum from the date prescribed for its payment until payment is actually made to the department. If the assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of tax and other applicable penalties, one per cent of the tax for each month that the tax remains nonpaid.

Section 134. KRS 137.990 is amended to read:

[(1) Any person who violates any of the provisions of KRS 137.020 or 137.030 shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both.]

*(1)* [(2)] (a) Any person who engages in any business or sells or offers to sell or has on hand for the purpose of sale any article or exercises any privilege for which a license is required or imposed by KRS 137.115 before procuring the license and

paying the tax, shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense, unless otherwise specifically provided.

(b) Any county clerk who violates any of the provisions of KRS 137.115, or any reasonable rule or regulation of the Department of Revenue thereunder, shall be fined not less than fifty dollars nor more than one thousand dollars for each offense.

(c) Any person who makes under oath a false statement in securing a license under KRS 137.115 shall be deemed guilty of a misdemeanor.

*(2)* [(3)] (a) Any person required to register, make reports, or collect and pay taxes under the provisions of KRS 137.120 to 137.160 who fails to pay taxes, penalty and interest after becoming delinquent, or fails for thirty days after the required date to make a report or register, shall pay a penalty of ten percent on the amount of tax due, and shall pay an additional penalty of five percent on the first day of each month so long as the tax remains due and unpaid, except the total penalty paid shall not exceed twenty-five percent of tax due.

(b) Any person who violates any of the provisions of KRS 137.120 to 137.160 may be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months or both.

*(3)* [(4)] Any person who violates any of the provisions of KRS 137.170 or 137.180 shall be fined not more than one thousand dollars or imprisoned in the county jail not more than thirty days, or both so fined and imprisoned. If the offender is a corporation, the principal officer or the officer or employe directly responsible for the violation, or both, shall be punished as provided in this subsection.

*(4)* [(5)] Whoever violates any of the provisions of KRS 137.340 to 137.400 shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars. Whoever attaches or causes to be attached to a coin machine any fictitious evidence of tax payment purported to be issued by the department, or a counterfeit thereof, shall upon conviction thereof be fined not less than one thousand dollars, and each separate

fictitious counterfeit license stamp or receipt so attached or used on a coin machine shall constitute a separate and distinct offense.

Section 135. KRS 138.620 is amended to read:

The *tax* reports required by KRS 138.590 shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month [computed as provided in KRS 138.595,] except that the department may waive this requirement and accept the check of the licensee if he is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.560 to 138.640.

Section 136. Subsection (16) of Section 138.990 of 1964 Supplement to KRS is amended to read:

(16) Any person violating any provision of KRS 138.630 shall be fined not more than one thousand dollars or imprisoned in the county jail for *not* more than six months, or both. Upon conviction of a second offense, he shall be imprisoned for not less than one year nor more than five years in the state penitentiary.

Section 137. KRS 141.040 is amended to read:

Every corporation organized under the laws of this state and every foreign corporation doing business in this state, or deriving income from activities or other sources in this state, except state and national banks and trust companies, *savings* [building] and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and like corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the department upon the taxable net income of the corporation. This tax shall be at the rate of five percent of the first twenty-five thousand dollars of the taxable net income and at the rate of seven percent of all in excess of twenty-five thousand dollars of the taxable net income of the corporation determined as provided in this chapter.

[The provisions of this section shall be applicable to all corporations for all taxable years ending on or after June 30, 1956.]

Section 138. Subsection (3) of KRS 141.070 is amended to read:

(3) An individual who is not a resident of this state shall not be liable for any income tax under KRS 141.020 *(4)* [(5)] if the laws of the state of which such individual was a resident at the time such income was earned in this state contained a reciprocal provision under which nonresidents were exempted from gross or net income taxes to such state, *if* [provided] the state of residence of such nonresident individual allowed a similar exemption to resident individuals of this state. The exemption authorized by this subsection shall in no manner preclude the Department of Revenue from requiring any information reports pursuant to KRS 141.150 (2).

Section 139. Section 146.010 of 1964 Supplement to KRS is amended to read:

[(1)] The Department of Natural Resources shall exercise all administrative functions of the state relating to:

(a) The conservation and protection of natural resources, except wildlife;

(b) Flood control for all purposes, and water usage for municipal and industrial purposes; and

(c) Strip mining and reclamation, heretofore perform by the Strip Mining and Reclamation Commission, except as otherwise provided.

[(2) The Department of Natural Resources may exercise the right of eminent domain as provided in KRS 148.060 and 148.070.]

Section 140. KRS 147.010 is amended to read:

The Kentucky Progress Commission shall be attached to the [Division of Publicity in the] Department of *Public Information* [Conservation]. It shall consist of twelve members. The Governor shall be an ex officio member, and the other members shall

be appointed by him. They shall serve without compensation, and at the pleasure of the Governor, but not for a term in excess of four years.

Section 141. KRS 147.030 is amended to read:

The Governor shall act as chairman, and one or more vice chairmen shall be eletced from the membership of the commission. The commission may select one of its members for treasurer, or may select some other individual or any banking institution in this state. The *Commissioner of Public Information* [Director of the Division of Publicity in the Department of Conservation] shall act as secretary of the commission. The commission may employ the employes necessary to carry out its purposes, whose salaries shall be paid out of the funds of the Kentucky Progress Association. The commission may adopt appropriate regulations governing its meetings and other details in connection with its work.

Section 142. KRS 149.020 is amended to read:

(1) The Division of Forestry in the Department of *Natural Resources* [Conservation] may receive by donation, purchase or lease lands for forestry purposes, and may convey, exchange or lease said lands and may sell timber or other forest products thereon. In exercising this function the division shall be exempted from any provision of KRS 42.030 or *45.360* [42.060], except with respect to the purchase, conveyance or exchange of lands.

(2) No land shall be purchased, leased or received as a donation unless the title thereto is merchantable and has been approved by the Attorney-General.

Section 143. KRS 150.021 is amended to read:

(1) [There is created an agency of the state government to be known as] *T*he Department of Fish and Wildlife Resources [, which shall] constitute*s* a [statutory administrative] department of the state government within the meaning of KRS Chapter 12. The department [shall] consist*s* of a Commissioner, a Fish and Wildlife Resources Commission and *the* [such] conservation officers and other agents and employes [as are] provided for in this chapter. The department shall enforce the laws

and regulations adopted under this chapter relating to wild life and shall exercise all powers necessarily incident thereto.

(2) Any powers conferred by this chapter upon the Department of Fish and Wildlife Resources, the Fish and Wildlife Resources Commission, or the Commissioner of the Department of Fish and Wildlife Resources shall be exercised subject to the provisions of KRS Chapter 42, 45, 56 and 64, which chapters [shall] in all respects *are* [be] controlling [, and any reference in those chapters to the Division of Game and Fish, the Game and Fish Commission, or the Director of the Division of Game and Fish shall be deemed to refer, respectively, to the Department of Fish and Wildlife Resources, the Fish and Wildlife Resources Commission, and the Commissioner of the Department of Fish and Wildlife Resources].

Section 144. KRS 150.110 is amended to read:

The commissioner and conservation officers may arrest without warrant anyone violating any of the provisions of KRS *150.500* [150.490] to 150.520 or any of the rules or regulations made by the department for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.500 to 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When *the* [such] officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated fish and game.

Section 145. KRS 152.010 is amended to read:

As used in this chapter, unless the context requires otherwise:

(1) "Commission" [shall] means the Economic Development Commission;

(2) "Commissioner" [or "Commissioner of the Department of Economic Development" shall] means Commissioner of the Department of Commerce;

(3) "Department" [or "Department of Economic Development" shall] means Department of Commerce.

Section 146. KRS 153.005 is amended to read:

As used in KRS 153.005 to *153.020* [153.030], "department" [of Public Relations] means "Department of Public Information."

Section 147. KRS 156.022 is amended to read:

(1) There shall be established a Division of Surplus Property in the Department of Education.

(2) The Division of Surplus Property is authorized and empowered to receive, warehouse, and distribute surplus property under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, and other federal laws relating to surplus property. The division shall comply with federal laws and regulations in the administration of surplus property received through federal agencies, and shall establish with the approval of the State Board of Education such rules and regulations necessary for compliance with minimum standards established therein.

[(3) All functions, personnel, funds, records, equipment, and facilities heretofore in the Division of Property Utilization shall be transferred to the Division of Surplus Property and the Division of Property Utilization is hereby abolished.]

Section 148. KRS 156.074 is amended to read:

The State Board of Education, upon requisition to the Division of Purchases in the Department of Finance, *may* [is authorized to] secure price contract agreements for the purchase of supplies and equipment by district boards of education. The board by regulation shall specify the particular types of supplies and equipment for which contracts shall be secured and may revise such lists from time to time. The board, in consultation with the Division of Purchases, shall fix standards of quality and quantity and shall develop standard specifications for [such] supplies and equipment. The Division of Purchases shall enter into price contract agreements under *the law relating to state purchasing* [the provisions of KRS 42.060 and 42.070]. Such contracts shall establish sources of supply, maximum prices to be paid, and shall set forth the length of time for which such contracts shall be valid, not to exceed one year.

Section 149. KRS 156.152 is amended to read:

The Superintendent of Public Instruction, as executive officer of the State Board of Education, upon application and requisition to the Division of Purchases in the Department of Finance, is hereby authorized and directed to secure price contract agreements for the purchase of school buses by all district boards of education. The Division of Purchases shall enter into price contract agreements under established purchasing procedure in keeping with *the law relating to state purchasing. The* [KRS 42.060 to 42.070 inclusive. Said] price contract agreement shall establish sources of supply, maximum prices to be paid and shall set forth the length of time for which contracts shall be valid.

Section 150. Section 158.070 of 1964 Supplement to KRS is amended to read:

(1) [The minimum school term for the 1963-1964 school term shall be one hundred and eighty-four days. Thereafter,] *T*he minimum school term shall be one hundred eighty-five days. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

(2) The board of education of any school district may use no more than four days of the minimum school term for holidays, three days for in-service training and professional work, three days for attendance at state and district meetings of professional and educational associations, and shall use one day of excused absence for attendance at the Kentucky State Fair for students applying for excused absence for this purpose. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall adopt regulations governing the use of school days.

Section 151. Section 160.220 of 1964 Supplement to KRS is amended to read:

All elections for members of boards of education shall be

by secret ballot. The ballot shall be on a separate sheet from all other ballots used in any election. The county clerk shall cause to be printed on the ballot the names of legally eligible candidates who have filed with the clerk a petition as provided in KRS *118.080* [118.010].

Section 152. Section 161.220 of 1964 Supplement to KRS is amended to read:

As used in KRS 161.220 to 161.710.

(1) "Retirement system" means the arrangement provided for in KRS 161.230 to 161.710 for payment of allowances to teachers.

(2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of service.

(3) "Disability allowance" means the amount annually payable to a member retired by reason of disability.

(4) "Teacher" means:

(a) Any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment;

(b) All members of the instructional and administrative staffs of Eastern Kentucky State College, Kentucky State College, Morehead State College, Murray State College, Western Kentucky State College, Kentucky School for the Deaf, Kentucky School for the Blind, and the State and area vocational schools who are regularly employed by a board of education, board of regents or similar body;

(c) The Superintendent of Public Instruction and the division heads and other professional staff members of the State Department of Education;

(d) Any member of a local retirement system who became a member of the state teachers' retirement system according to the provisions of Acts, 1938, 1st ex. s., c. 1, paragraph 49;

(e) Such members of the administrative staff of the teachers' retirement system of the State of Kentucky as the board of trustees may designate by regulation; and

(f) All members of the instructional and administrative staffs of any existing or later established public junior college not under control of the Board of Trustees of the University of Kentucky.

(5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by Acts 1938, 1st ex. s., c. 1, on the date of the inauguration of the system or within one year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of such system until he, with the membership of the local retirement system, became a member of the state teacher's retirement system, or who becomes a member under the provisions of KRS 161.470 (4).

(6) "New teacher" means any teacher not a present teacher.

(7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty years' prior service shall be allowed or credited to any teacher.

(8) "Subsequent service" means the number of years during which the teacher is a member of the teachers' retirement system after July 1, 1941.

(9) "Annual salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years, if less than five prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars. Any salary subsequent to July 1, 1941, on which the member has made contribution shall be the actual arithmetic average salary for the five consecutive years, or for as many consecutive years if less than five, which will provide the highest average.

(10) "Annual compensation" means the contractual salary and additions thereto received by a member as compensation for services as a teacher in the public schools of Kentucky during a fiscal year before any deductions.

(11) "Age of retirement" means the age attained at the last birthday of the member preceding the date of retirement.

(12) "Age of entrance" means the age attained at the last birthday of any member at the time of the establishment of the retirement system, if the member was a teacher subject to membership in the system at that time. Otherwise it means the age attained at the last birthday of any member at the time he first becomes a member of the retirement system. Any birthday occurring on February 29 shall be considered as occurring on February 28.

(13) "Regular interest" means interest at three percent per annum.

(14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund for retirement annuity.

(15) "Annuitant" means a person who receives a retirement allowance or a disability allowance.

(16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky.

(17) "Fiscal year" means the twelve-month period from July 1 to June 30.

(18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section.

(19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half of the support from the member for maintenance, including board, lodging, medical care and like costs.

(20) "Last earned annual compensation" means the gross compensation before any deductions earned by the member for the last full payroll period, multiplied by the number of payroll periods in the member's contract year.

Section 153. KRS 163.036 is amended to read:

[(1)] There is [hereby] established within the Bureau of Rehabilitation Services of the Department of Education the Kentucky Industries for the Blind which shall provide training and employment for adult blind persons.

[(2) All personnel, functions, appropriations, assets, liabilities and property, both real and personal, of the Kentucky Workshop for the Blind are hereby transferred to the Kentucky Industries for the Blind.]

Section 154. KRS 167.015 is amended to read:

The Kentucky School for the Deaf at Danville, Kentucky, shall be managed and controlled by the State Board of Education. The board shall have possession and the responsibility and authority for preservation, repair and control of the buildings and grounds belonging to the state and dedicated to the school. The board may, except as provided in KRS *45.360* [42.060], sell any property held for the use and benefit of the school, and purchase other property deemed by the board to be suitably and conveniently located, and erect buildings necessary for carrying out the purposes of the school. The board may adopt rules and regulations to carry into effect its powers with respect to the school, and may require from the superintendent of the school any reports and information it desires as to the condition of the school.

Section 155. KRS 167.140 is amended to read:

The Kentucky School for the Blind, at Louisville, Kentucky, shall be managed and controlled by the State Board of Education. The board shall have the possession, preservation, repair and control of the buildings and grounds belonging to the state and dedicated to the school. The board may, except as provided in KRS *45.360* [42.060], sell any property held for the use and benefit of the school, and purchase other property deemed by the board to be suitably and conveniently located, and erect buildings necessary for carrying out the purposes of the school. The board may adopt rules and regulations to carry into effect its powers with respect to the school, and may require from the

superintendent of the school any reports and information it desires as to the condition of the school.

Section 156. KRS 171.090 is amended to read:

The *Law* [State] Librarian may, when authorized by the trustees of the *State* [Legislative and] Law Library, furnish without charge to the library of the University of Kentucky and to the libraries of *the* [both white and colored] state [teachers,] colleges *the* [such] public documents, books and manuscripts in the *State* [Legislative and] Law Library *which* [as] are not essential to the performance of the duties of that library.

Section 157. KRS 171.125 is amended to read:

As used in KRS 171.130 to 171.306, unless the context requires otherwise, "department" *means* ["Library Extension Division," "extension division" and "division" mean] the Department of Libraries.

Section 158. KRS 171.201 is amended to read:

(1) For promoting, aiding and equalizing public library service in Kentucky, particularly in rural areas, there *may be funds* [is hereby] appropriated out of the General Expenditure Fund of the State Treasury, to a special fund to be known as the Public Library Service Fund [the sum of $50,000 for the fiscal year 1952-53, and $60,000 for the fiscal year 1953-54].

(2) The funds appropriated *pursuant to* [by] this section shall be separate and apart from the appropriation to the *Department of Libraries* [Library Extension Division], which appropriation shall not be affected by KRS 171.201 to 171.205 [or appropriation hereunder].

Section 159. KRS 171.410 is amended to read:

[(1)] As used in KRS 171.410 to 171.740

*(1)* [the word] "Records" means all books, papers, maps, photographs, and other documentary materials, regardless of physical form or characteristics, made or received by any agency of the state government in pursuance of the state law or in connection with the transaction of public business and preserved or

appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the informational value of data contained therein.

(2) *"Department" means the* [As used in KRS 171.410 to 171.740, "Archives and Records Service," "service," "Director of the Archives and Records Service" and "director" mean] Department of Finance.["]

[(3) As used in KRS 171.450, 171.460, 171.470, 171.480, 171.500, 171.510, 171.520, 171.530, 171.540, 171.550, 171.560, 171.570, 171.580, 171.590, 171.600, 171.610, 171.620, 171.630, 171.660 and 171.680, "State Archives and Records Commission" and "commission" means "Department of Finance."]

Section 160. KRS 171.570 is amended to read:

The commission may enpower any state or local agency, upon the submission of evidence of the need therefor, to retain records for a longer period than that specified in any approved disposal schedule, or by law but *the agency* [he] shall report all such actions to the commission at its next meeting for approval or disapproval.

Section 161. KRS 175.580 is amended to read:

(1) Except as [may] otherwise [be] provided in the agreement or lease relating thereto, each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the department under the terms and provisions of *the* [such] agreement or lease, and shall be operated and maintained by such force of tolltakers, and other operating and maintenance employes, as the department may in its discretion employ, and the department shall not be reimbursed for the cost thereof unless expressly otherwise provided in *the* [such] agreement or lease.

(2) All private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this chapter.

(3) All counties, cities, towns and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, *may* [are hereby authorized and empowered to] lease, lend, grant or convey to the authority at its request, upon such terms and conditions as the proper authorities of *the* [such] counties, cities, towns, political subdivisions, agencies or commissions of the Commonwealth [may] deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which *is* [may be] necessary or convenient to the effectuation of the authorized purposes of the authority, including public roads and other real property already devoted to public use.

(4) On or before January 30 in each year the authority shall make an annual report of its activities for the preceding [calendar] year to the Governor and to the General Assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. Such audits *are* [shall be deemed to be] public records within meaning of KRS *171.650* [12.140].

(5) No officer or employe of the authority or of the department shall have any interest, direct or indirect, in the sale or purchase of any bonds authorized by this chapter. Violation of this provision shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 162. Subsection (1) of KRS 177.087 is amended to read:

(1) Within thirty days from the date of a judgment authorizing the petitioner to take possession of the land or material, an appeal may be taken to the circuit court by either or both parties by filing with the clerk of the circuit court a certified copy of the judgment, a statement of the parties to the

appeal, and any exceptions the appellant has to the award made by the commissioner. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed, the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. The statement of grounds of appeal of either party may be amended as provided in the Rules of Civil Procedure for the amendment of a pleading. The appeal shall be tried de novo, but shall be limited to the questions which are raised in the original exceptions or statement of the grounds of appeal, or as amended [provided, however, that in any case where the road, bridge, or other structure has not been completed by the time the action ordinarily would stand for trial on appeal, either party may file an affidavit stating that fact, and the case shall not stand for trial until such project is completed, but no trial shall be delayed for this reason beyond two years from the date of filing said affidavits]. All questions of fact pertaining to the amount of compensation to the owner or owners shall be determined by a jury, which jury, on the application of either party, shall be sent by the court, in the charge of the sheriff, to view the land and material. Upon an appeal to the circuit court and after a jury trial therein, and if possession of the land and material condemned has not previously been taken by the condemnor, *possession may be taken by condemnor* [it may do so] upon payment to the owners, or to the clerk of the circuit court, the amount of the compensation adjudged by the circuit court to be due the owners and by paying all costs of the action.

Section 163. KRS 177.250 is amended to read:

For the purposes of KRS 177.220 to 177.310, the highway authorities of the state, county *or* [,] city [, town, or village] may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as such units are [now or hereafter may be] authorized by law to acquire [such] property or property rights in connection with highways and streets within their respective jurisdiction. All property rights acquired under the provisions of KRS 177.220 to 177.310 shall be in fee simple. In

connection with the acquisition of property or property rights for any limited access facility or portion thereof, or service road in connection therewith, the state, county *or* [,] city [, town, or village] highway authority may, in its discretion, acquire an entire lot, block, or tract of land, if by so doing, the interests of the public will be best served, even though said entire lot, block, or tract is not immediately needed for the right-of-way proper.

Section 164. KRS 177.530 is amended to read:

(1) Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the department, and shall be operated and maintained by such force of toll-takers and other operating and maintenance employes and, unless policed by the Kentucky State Police as an ordinary incident to the performance of statutory functions, shall be policed by the department by such force of police, as the department may in its discretion employ, and the department may be reimbursed for the cost thereof unless it has previously assumed such cost as provided in KRS 177.480.

(2) All private property damaged or destroyed in carrying out the powers granted by KRS 177.390 to 177.570 shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of KRS 177.390 to 177.570.

(3) All counties, cities, towns and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the department at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the department, including public roads and other real property already devoted to public use.

(4) On or before January 30 in each year the department

shall make an annual report of its activities for the preceding calendar year to the Governor and to the General Assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The department shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. Such audits shall be deemed to be public records within the meaning of KRS *171.650* [12.140].

(5) No officer or employe of the department shall have any interest, direct or indirect, in the sale or purchase of any bonds authorized by KRS 177.390 to 177.570. Violation of this provision *is* [shall be] punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

(6) Any person who uses any turnpike project and fails or refuses to pay the toll provided therefor shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and in addition thereto the department shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof until the amount of such toll and all charges and penalties in connection therewith shall have been paid.

Section 165. KRS 179.020 is amended to read:

(1) The county judge of each county, with the consent of the fiscal court, may employ a county road engineer. Any person so employed shall be either a civil or highway engineer licensed in accordance with KRS Chapter 322, or a person who [has] successfully passed an examination for county road engineer under this section prior to *March 24, 1950* [its amendment by the 1950 General Assembly,] and who [has] qualified and served as such. [; provided, however, that after the effective date of the 1950 amendment to this section, no further examinations for county road engineer shall be given.]

(2) If the fiscal court does not provide for a county road engineer, the duties of *the* [said] county road engineer, except insofar as they may be in conflict with the provisions of KRS

Chapter 322, shall be performed by a county road supervisor, who shall be employed by the county judge with the consent of the fiscal court, and who may be removed in the same manner provided for county road engineers. No person shall be employed as county road supervisor unless he [shall] meets the following requirements:

(a) He *has* [shall have] at least three years' practical road building experience of a nature satisfactory to examining authorities selected by the Department of Highways for the Commonwealth of Kentucky, and

(b) He *has* [shall have] passed an examination, either oral or written, or both, given by *the* [said] examining authorities, and *has* [shall have] received a certificate of qualification from *the* [said] authorities.

(3) The county surveyor may be employed as county road engineer, if qualified under subsection (1) of this section, or as county road supervisor if qualified under subsection (2) of this section, and for his services as engineer or supervisor he shall receive a salary in addition to fees allowed by law for his services as county surveyor.

(4) When no qualified applicant who is acceptable to the fiscal court is available for employment, the county judge, with the consent of the fiscal court, may employ a temporary supervisor not qualified under subsection (2) of this section for a period of three months, but in no event shall a temporary supervisor be used for more than three months during any one term of a county judge.

(5) This section shall not be construed to prohibit the supervision of the construction and maintenance of roads, without additional compensation, by the county judge, or by committees of the fiscal court, in counties where the position of road engineer or road supervisor has not been established by the fiscal court[, or in accordance with the provisions of KRS 179.080 to 179.100, in counties where the roads are worked by hands as provided in KRS 179.120].

(6) Two or more counties, by a contract approved by order of the fiscal court of each of the counties, may authorize the

county judges of the contracting counties to employ the same employe as county road engineer or county road supervisor to serve in all counties so contracting, and for the apportionment of the amount of his salary to be paid by each county.

(7) The period of employment for any county road engineer or county road supervisor shall be two or four years, in the discretion of the fiscal court, beginning with the second Tuesday in January of an even-numbered year. Other terms of employment, and the salaries of all persons employed under the provisions of this section, shall be fixed by the fiscal court.

Section 166. KRS 181.010 is repealed and re-enacted to read:

(1) As used in this chapter, unless the context otherwise requires:

(a) "Bridge" includes the bridge and the approaches thereto;

(b) "Employe" includes agents, servants and independent contractors;

(c) "Owner" means any person having any title or interest in lands, structures, rights of way, franchises, easements or other interests in lands; and

(d) "Streets" includes lanes and alleys.

(2) As used in KRS 181.560 to 181.840, unless the context otherwise requires:

(a) "Cost of bridge" as applied to a bridge acquired by purchase, includes the purchase price, cost of improvements, financing charges, interest during any period of disuse before completion of improvements and for a period of six months after purchase or completion, cost of traffic estimates and of engineering and legal expenses, specifications and surveys, estimates of cost and of revenues, other expenses incident to determining the feasibility or practicability of the enterprise, and administrative and other expenses incident to financing and acquiring the bridge and placing it in operation:

(b) "Cost of bridge" as applied to a bridge to be constructed, includes the cost of construction, the cost of acquiring

necessary land, property rights, easements and franchises, financing charges, interest during construction and for a period of six months thereafter, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses incident to determining the practicability of the enterprise, and expenses incident to financing the constructing of the bridge and placing it in operation; and

(c) "Improvements" means repairs, replacements and additions to a bridge acquired by purchase which are deemed necessary to place the bridge in a safe and efficient condition for public use, when such improvements are ordered prior to the sale of bonds for acquisition of the bridge.

Section 167. Section 183.865 of 1964 Supplement to KRS is amended to read:

All of the powers, provisions and duties relating to the zoning and use of land, structures and air space within and around public airports within the state are hereby conferred upon, delegated to and vested in the commission. The commission shall also exercise all powers, provisions and duties relating to the use of navigable air space within the state.[; provided, however, that] *N*othing contained in *this chapter* [KRS 183.681 to 183.843] shall prevent a governmental unit from acquiring airports, airport facilities, or air navigation facilities, or from taking any action authorized by law for the elimination of any airport hazard, either alone or jointly with the commission.

Section 168. KRS 186.005 is amended to read:

(1) It is [hereby] declared to be the policy of this Commonwealth that all commercial vehicles should be regulated, registered and the laws pertaining thereto be administered by the Department of Motor Transportation. Motor vehicles other than commercial vehicles should be registered, regulated and controlled by the Department of Revenue and the Department of Public Safety. [The Statute Reviser is hereby directed to change the designation in any of the statutes so that the proper department having control and jurisdiction over the different types of motor vehicles is properly identified.]

(2) The registration plates and receipts issued in accordance with the terms of this chapter are on a calendar year basis. [, and since the above policy of the Commonwealth involves a change in a responsibility of the respective departments, and in order that the transition of responsibility will be as smooth as possible, the Department of Revenue will administer the provisions of this chapter during the balance of the calendar year 1962. All responsibility for the issuance of plates, receipts, regulations and administration of this chapter with regard to commercial vehicles shall be assumed by the Department of Motor Transportation with regard to the 1963 receipts, plates, regulations and administration of the provisions pertaining thereto.] The Department of Motor Transportation *may* [shall have the authority to] promulgate regulations and prepare the proper insignia and forms, which forms shall include information required by the Department of Revenue, in order to *administer* [be ready to undertake the burden of administering] the provisions of this chapter with regard to commercial vehicles [as of January 1, 1963, and thereafter].

Section 169. Section 186.045 of 1964 Supplement to KRS is re-enacted to read:

(1) Financing statements relating to vehicles required to be registered in Kentucky by the county clerk shall be filed in the office of the county clerk of the county in which the debtor resides or, if the debtor is a non-resident, in the office of the county clerk in which the vehicle is principally operated.

(2) (a) Whenever a financing statement required by KRS Chapter 355 relating to any vehicle registered or required to be registered in Kentucky for use on the highway is presented to a county clerk for filing, such clerk shall also immediately note information required by the department relative thereto on the owner's copy of the registration or transfer receipt issued for the current registration period as noted in subsection (2) of KRS 186.170, which the secured party must obtain and present to the county clerk, along with the financing statement, within ten days after execution of the security agreement. The clerk shall also note such information on the clerk's copy of the registration or transfer receipt maintained in his office in numerical order. The clerk noting the information on the owner's copy of the

registration or transfer receipt shall return such receipt to the owner within five days after making such notation. For filing the financing statement, the clerk shall collect a fee of three dollars and twenty-five cents from the secured party and, in addition, for noting the security interest on the required receipts, the clerk shall collect from the secured party a fee of eighty-five cents for each motor vehicle included on the financing statement.

(b) Whenever a financing statement affecting a vehicle is presented to a county clerk for filing in any county other than the one in which the current receipt was issued, the county clerk shall, in addition to the other requirements of this section, mail a notice of the security interest on a form furnished by the department to the clerk of the county in which the current receipt was issued. Upon receipt of said notice, the county clerk shall attach it to the copy of the current receipt on file, maintained in numerical order, in the county clerk's office and note the security interest on the clerk's copy of the receipt.

(3) For failure to present both the current receipt and financing statement within the time prescribed by subsection (2) (a), the secured party shall pay a penalty of two dollars to the county clerk as a prerequisite for noting the security interest on the current receipt. The penalty, less the county clerk's commission of five percent, shall be remitted to the department.

(4) Whenever a perfected security interest is assigned, the assignor shall immediately give a statement of assignment to the assignee and at the same time deliver another copy of such statement to the debtor. The assignee shall, within thirty days thereafter, present a copy of the statement of assignment to the county clerk in whose office the financing statement is on file. Upon receipt of the assignment, the county clerk shall mark the same as provided in subsection (2) of KRS 355.9-405 and attach it to the original financing statement. For this service the county clerk shall collect a fee of seventy-five cents from the assignee.

(5) Whenever a security interest has been discharged, other than by proceedings under KRS 355.9-501 through 355.9-507 or similar proceedings, the secured party shall, within thirty days thereafter, deliver a termination statement in the manner required by KRS 355.9-404 to the county clerk of the county in which the

financing statement is filed. For failure to file the termination statement within the allowable time, the secured party shall be subject to the penalty provided in subsection (3) of this section. Within five days after the receipt of such documents, the county clerk shall note the filing in the index and, in addition, note on the clerk's copy of the current receipt maintained in his office in numerical order, in language prescribed by the department that the termination statement has been filed. Upon presentation of the owner's copy of the receipt showing such security interest, the clerk shall also note on such receipt that the termination statement has been filed and place the seal of the county clerk thereon. The clerk shall return the owner's receipt to the owner. The county clerk shall remove the financing statement from his files, mark "terminated" thereon and send or deliver it to the secured party along with any continuation statement, statement of assignment or statement of release pertaining thereto. The county clerk shall then file the termination statement in the place from which the financing statement was removed. Termination statements must be retained in the clerk's files for a period of two years subsequent to the date of filing such statement, at which time they may be destroyed. No fee shall be collected for these services by the clerk. Once a security interest has been noted on the owner's copy of a registration or transfer receipt, no subsequent registration or transfer receipt may be issued by any county clerk free of such notation unless the owner's copy of the current receipt is presented to the clerk and it has noted thereon by the proper county clerk that the termination statement therefor has been filed. If this requirement is met, information relating to any security interest shown on the receipt as having been terminated may be omitted from the receipt to be issued by the clerk.

(6) Whenever any secured party repossesses a vehicle registered with a county clerk, for which a financing statement has been filed, and disposes of such vehicle pursuant to the provisions of KRS Chapter 355, he must present, within fifteen days after such disposition, an affidavit in form prescribed by the department and a termination statement or proof that such termination statement has been filed. The new owner shall pay all applicable fees for registering and transferring the vehicle to the county clerk. Upon receipt of such documents, the county

clerk who issued the current receipt shall then omit from the registration or transfer receipt he issues, any information relating to the security interest under which the vehicle was repossessed or any security interest subordinate thereto. However, any security interest, as shown by such clerk's copy of the current receipt, which is superior to the one under which the vehicle was repossessed, must be shown on the receipt issued by the clerk unless the prior secured party has terminated such security interest in such clerk's office or proof of termination is submitted in case such prior security interest was discharged in another clerk's office.

(7) Whenever any vehicle brought into this state is required to be registered with a county clerk and such vehicle is then subject to a security interest in another state as shown by the out of state documents presented to the clerk, the county clerk is prohibited from registering the vehicle unless the owner obtains from the secured party a financing statement and presents same to the clerk along with all fees due. Such a financing statement must conform to the requirements of subsection (3) of KRS 355.9-402. The clerk shall note the out of state security interest on the new registration receipt and on the clerk's copy thereof. This provision does not apply to vehicles required to be registered in Kentucky under forced registration provisions under KRS 186.145. The penalty provided in subsection (3) of this section shall not apply to this subsection.

(8) The fees provided for in this section are in addition to any state fee provided for by law.

(9) Any person violating any provision of this section or any person refusing to surrender a registration or transfer certificate upon request of any person entitled thereto, is subject to the penalties provided in KRS subsection (1) of 186.990.

(10) The county clerk is prohibited from filing any financing statement on any vehicle subject to the provisions of this section if a registration or transfer receipt therefor is presented to him which has all the spaces provided thereon for noting security interests fully exhausted. The owner must see to it that a termination statement is filed for each discharged security interest and then a duplicate receipt as provided for in

KRS 186.180 must be obtained from the clerk by the owner of the vehicle.

(11) Security interest in vehicles sold to or owned by residents of other states must be perfected in the state of such nonresident and repossession of the vehicle must be taken pursuant to the laws of such state, unless the vehicle is principally operated in Kentucky and is properly registered herein under KRS 186.020 and the security interest is authorized to be filed with the county clerk under KRS 355.9-401. However, a security interest on any vehicle which is not used on the public highways and for that reason is not required to be registered for highway use may be filed with the county clerk as otherwise permitted under KRS Chapter 355.

Section 170. KRS 186.440 is amended to read:

An operator's license shall not be granted to:

(1) Any person under the age of sixteen.

(2) Any person whose operator's license has been suspended, during the period of suspension.

(3) Any person whose operator's license has been revoked, nor to any non-resident whose privilege of exemption under KRS 186.430 has been refused or discontinued, until the expiration of *the period for which the license was revoked, or for which the privilege was refused or discontinued* [one year after the license was revoked or the privilege refused or discontinued].

(4) An habitual drunkard or drug addict.

(5) Any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded with a certificate of the superintendent that the applicant is competent. The State Police shall determine by examination that the person is competent to operate a motor vehicle with safety to persons and property.

(6) Any person who in the opinion of the State Police,

after examination, is afflicted with such physical or mental disability as prevents him from exercising reasonable and ordinary control over a motor vehicle upon the highways.

(7) Any person who is unable to understand highway warnings or direction signs in the English language.

(8) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination.

(9) Any person required by Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof.

(10) Any person who has not filed a correct and complete application signed in the presence of a person authorized to administer oaths.

Section 171. KRS 186.510 is amended to read:

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand to the circuit clerk or examiner, a justice of the peace, a peace officer, a member of the *Kentucky State Police* [State Highway Patrol], or a field deputy or inspector of the *Department of Motor Transportation or Department of Revenue* [department]. It shall be a defense to any charge under this section if the person so charged produces in court an operator's license, issued to him before his arrest and valid at the time of his arrest.

Section 172. KRS 186.650 is amended to read:

As used in KRS 186.650 to 186.700:

(1) A "trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle being so constructed that no part of its weight rests upon the towing vehicle.

(2) "Semitrailer" means any vehicle designed for carrying persons or property and for being drawn by a motor vehicle and is so constructed that some part of its weight and some part of its load rests upon or is carried by another vehicle.

(3) "Housetrailer" means any vehicle used, or maintained

for use, as a conveyance upon highways, designed and constructed in such a manner as will permit occupancy thereof as a temporary dwelling, or as sleeping places for one or more persons, or the conduct of any business or profession, occupation or trade having no other foundation than wheels or jacks, and not being used in one location as a permanent dwelling.

(4) [(a) After December 31, 1962,] "*D*epartment" means the Department of Motor Transportation.

[(b) Before January 1, 1963, "department" means the Department of Revenue.]

Section 173. KRS 187.290 is amended to read:

*As used in this chapter, unless the context requires otherwise:*

[The following words and phrases, when used in KRS 187.290 to 187.620, shall, for the purpose of KRS 187.290 to 187.620, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:]

(1) "Department" *means the Department of Public Safety.* [—The Department of Revenue, except where otherwise specified herein.]

(2) "Highways" *means* [—] every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for purpose of vehicular traffic.

(3) "Judgment" *means* [—] any judgment which *has* [shall have] become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(4) "Motor vehicle" *means* [—] every self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

(5) "License" *means* [—] any operator's license, temporary instruction permit or temporary license issued under the laws of this state pertaining to the licensing of operators.

(6) "Nonresident" *means* [—] every person who is not a resident of this state.

(7) "Nonresident's operating privilege" *means* [—] the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

(8) "Operator" *means* [—] every person who is in actual physical control of a motor vehicle.

(9) "Owner" *means* [—] a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of *this chapter* [KRS 187.290 to 187.620].

[(10) "Person"—Every natural person, firm, copartnership, association or corporation.]

*(10)* [(11)] "Proof of financial responsibility" *means* [—] proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective *date* [date] of said proof, arising out of the ownership, maintenance or use of a motor vehicle in the amount of *ten* [five] thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of *twenty* [ten] thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the

amount of *five* [one] thousand dollars because of injury to or destruction of property of others in any one accident.

*(11)* [(12)] "Registration" *means* [–] registration [certificate or] certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

*(12)* [(13)] "State" *means* [–] any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Section 174. KRS 187.300 is amended to read:

(1) The department shall administer and enforce the provisions of *this chapter* [KRS 187.290 to 187.620] and may make rules and regulations necessary for its administration.

(2) The department *may* [is hereby authorized to] employ [such] additional persons, in accordance with the provisions of KRS *Chapter 18* [42.120 and 42.130], and incur travel, rental and other current and capital expenses [,] necessary to accomplish the purposes of *this chapter* [KRS 187.290 to 187.620].

(3) Any person aggrieved by an order or act of the department under [the provisions of] *this chapter* [KRS 187.290 to 187.620,] may, within twenty days after notice thereof, bring an action against the department in the circuit court of the county in which the accident or violation of law upon which the action of the department was based occurred to vacate or set aside the order or action of the department on the ground that it is unlawful or unreasonable. The answer of the department shall be served and filed within twenty days after [the] service of the complaint. The action shall then be at issue and stand ready for trial upon ten days' notice to either party [, on the equity side of the docket of the court]. The answer need not deny verbatim the allegations of the complaint, but a general denial thereof on behalf of the department *is* [shall be] sufficient. The filing of *the* [such] action *does* [shall] not suspend the order or act of the department unless a stay thereof *is* [shall be] granted by the court pending final determination of the review. Injunctive relief may also be granted by the court in the manner and upon the terms provided by law.

Section 175. KRS 187.320 is amended to read:

(1) The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which total property damage of one hundred dollars or more is sustained, shall, within ten days, report the matter in writing to the Department of *Public Safety* [State Police for preliminary processing after which time the report shall be forwarded to the Department of Revenue for additional and final processing]. If *the* [such] operator *is* [be] physically incapable of making such report, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the department. The operator or the owner shall make such other and additional reports relating to such accident as the department shall require.

(2) Failure to report an accident as herein provided or failure to give correctly the information required of him by the department in connection with such report shall be a misdemeanor and, in the event of injury or damage to the person or property of another in such accident, shall also constitute a ground for suspension or revocation of:

(a) The license or registration for any motor vehicle, or of all such licenses and registrations of the person failing to make such reports as herein required, and

(b) The nonresident's operating privilege of such person.

Section 176. KRS 187.490 is amended to read:

(1) A "motor vehicle liability policy" as *that* [said] term is used in KRS 187.290 to 187.620 [shall] means an owner's or an operator's policy of liability insurance, certified as provided in KRS 187.470 or 187.480 as proof of financial responsibility, and issued, except as otherwise provided in KRS 187.480, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(2) *The* [Such] owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such motor vehicle [or motor vehicles] with the express or implied permission of *the* [such] named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of *the* [such] motor vehicle [or motor vehicles] within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each [such] motor vehicle, as follows: *Ten* [five] thousand dollars because of bodily injury to or death of one person in any one accident and, subject to *the* [said] limit for one person, *twenty* [ten] thousand[s] dollars because of bodily injury to or death of two or more persons in any one accident, and *five* [one] thousand dollars because of injury to or destruction of property of others in any one accident.

(3) *The* [Such] operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) *The* [Such] motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy; the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in KRS 187.290 to 187.620 as respects bodily injury and death or property damage, or both, and is subject to all the provisions of KRS 187.290 to 187.620.

(5) *The* [Such] motor vehicle liability policy shall not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employe of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of *the* [any such] motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) Every motor vehicle liability policy *is* [shall be] subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by KRS 187.290 to 187.620 shall become absolute whenever injury or damage covered by *the* [said] motor vehicle liability policy occurs; *the* [said] policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of *the* [said] policy shall defeat or void *the* [said] policy.

(b) The satisfaction by the insured of a judgment for [such] injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of *the* [such] injury or damage.

(c) The insurance carrier *may* [shall have the right to] settle any claims covered by the policy, and if *the* [such] settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of KRS 187.290 to 187.620 shall constitute the entire contract between the parties.

(7) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage *is not* [shall not be] subject to the provisions of KRS 187.290 to 187.620. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(8) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make

under the terms of the policy except for the provisions of KRS 187.290 to 187.620.

(9) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(11) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Section 177. KRS 187.530 is amended to read:

(1) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him *twenty-five* [eleven] thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of *twenty-five* [eleven] thousand dollars. The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(2) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of KRS 187.290 to 187.620, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Section 178. KRS 189.231 is amended to read:

(1) The Commissioner of Highways may restrict or regulate traffic and may install and maintain traffic control devices

upon state-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public [; provided, however, that this section shall in no way affect the provisions of KRS 177.046].

(2) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto unless otherwise directed by traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

Section 179. Section 189.260 of 1964 Supplement to KRS is amended to read:

Every motor vehicle licensed under KRS 186.050 (3) and 186.055 shall display all plates issued by the county clerk. Except as provided in KRS *186.045* [186.195], the registration receipt shall be kept in the truck at all times and shall be available for inspection.

Section 180. KRS 189.280 is amended to read:

(1) KRS 189.221 to 189.230, 189.280 and 189.490 shall not apply to motor trucks, semitrailer trucks or trailers owned by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.

(2) If any motor truck, semitrailer truck or trailer is lawfully licensed by a city pursuant to KRS 186.270, then KRS 189.221, subsection (1) of 189.222 and 189.490 shall not apply thereto, within the limits of the city issuing the license, or within fifteen miles of the limits of the city, if it is a city of the first, second, third or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, except on such state-maintained highways or portions thereof, including connecting-link streets, as may be designated by the Commissioner of Highways, and on such county highways as may be designated by the county judge; provided, however, that in no case shall any vehicle exceed the weight and size limitations established by the city ordinance when those limitations are less stringent than those provided in the aforementioned sections of the statutes. For the purposes of this subsection vehicles exempt from the imposition of a city license tax by reason of subsection (2) of KRS 281.830 shall be entitled to the same exemptions as those so licensed.

(3) [Except as provided in KRS 177.046,] *C*ities may, by ordinance, provide maximum limits with respect to the weight, height, width and length of motor trucks, semitrailer trucks and trailers, within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and subsection (1) of 189.222, and may authorize the operation of trailers.

Section 181. Section 189.793 of 1964 Supplement to KRS is amended to read:

Any person who violates Article *VII* [VIII] of the compact *is* [shall be] subject to the penalties imposed by KRS 61.990.

Section 182. KRS 195.010 is amended to read:

(1) There is [hereby] created a Department of Economic Security which shall constitute a statutory administrative department of the State Government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Economic Security who shall be the executive officer and shall have sole charge of the administration of the department.

(2) The commissioner *may* [shall have the authority,] with the approval of the Governor, [to] appoint an executive assistant, the executive directors of the Bureau of Employment Security and Bureau of Social Services, the directors of the various divisions in the department, prescribe their duties and fix their salaries, commensurate with their duties. [, not to exceed five thousand dollars per year.]

(3) The commissioner *may* [shall have the power and authority to] adopt *the* [such] rules and regulations [as are] necessary to qualify for the receipt of federal funds, for cooperation with other state and federal agencies and for the administration of the department.

Section 183. KRS 195.020 is amended to read:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, and aid to the blind and otherwise handicapped.

(d) Administration and supervision of services to needy, neglected *and* dependent [and delinquent] children [including adoptions].

(2) All administrative functions of the nature outlined above, heretofore performed by other agencies of the state, are hereby transferred to and shall hereafter be performed by the Department of Economic Security.

Section 184. KRS 195.030 is amended to read:

(1) The department shall be divided into the following administrative bureaus and divisions:

(a) A Bureau of Employment Security which shall be divided into:

1. A Division of Unemployment Insurance; and

2. A Division of Employment Service.

(b) A Bureau of Social Services which shall be divided into:

1. A Division of Public Assistance; and

2. A Division of Children's Services.

*(c) A Division of Personnel Security.*

*(d)* [(c)] Such other bureaus, divisions, or combinations of existing bureaus, divisions, or agencies as the commissioner may from time to time prescribe in accordance with KRS 12.030, and to which he may assign duties, functions and responsibilities

(2) The Governor may, by executive order, transfer any bureau, division or agency of the state government to the De-

partment of Economic Security for the purpose of economy, efficiency and improved administration.

Section 185. KRS 195.040 is amended to read:

(1) The Bureau of Employment Security shall be headed by an executive director who shall be chairman of the Unemployment Insurance Commission [, and all of the powers, functions, and duties heretofore performed by the Unemployment Compensation Commission and the executive director of the Unemployment Compensation Commission, as provided in KRS Chapter 341, the Director of Employment Service, and the Employment Service Commission are hereby transferred to and vested in the Bureau of Employment Security]. The executive director, with the prior approval of the commissioner, *may* [is authorized to] integrate and combine the functions and duties of the divisions within the bureau insofar as he considers such integration and combination economical and practicable for the proper and efficient administration of the bureau.

[(2) The existing Unemployment Compensation Commission is hereby transferred to and shall hereafter constitute a division of the Bureau of Employment Security, and shall hereafter be known as the Division of Unemployment Insurance. All the powers, functions, and duties heretofore performed by the Unemployment Compensation Commission shall continue to be vested in the Division of Unemployment Insurance.]

*(2)* [(3)] The Bureau of Employment Security shall establish and maintain free public employment offices in such number and such places as *are* [may be] necessary for the proper administration of KRS Chapter 341 and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a National Employment Service and for Cooperation with the States in the Promotion of Such System, and for Other Purposes," approved June 6, 1933 (48 Stat. 113, U.S. Code, Title 29, Section 49 (c)), as amended, and known as the Wagner-Peyser Act. All duties and powers [conferred upon any other department, agency, or officer of this state,] relating to the establishment, maintenance, and operation of free employment officers *are* [shall be] vested in the Department of Economic Security. The provisions of the

*Wagner-Peyser* [said] Act [of Congress], as amended, are [hereby] accepted by this state, in conformity with Section 4 of *the* [said] Act, and this state will observe and comply with the requirements thereof. The Department of Economic Security is hereby designated and constituted the agency of this state for the purpose of *the* [said] Wagner-Peyser Act.

[(4) The personnel of the existing Employment Service Commission shall be transferred to employment in the Division of Employment Service in the Bureau of Employment Security.]

Section 186. KRS 195.080 is amended to read:

It is the purpose of KRS 195.010 to 195.100 to provide a unified, integrated, and comprehensive plan or organization of those services, functions and duties relating to Unemployment Insurance, Employment Service *and* [,] Public Assistance, [and Children's Service, including adoptions,] under the direction, supervision and control of the Commissioner of Economic Security. [All laws or parts of laws in conflict with KRS 195.010 to 195.100 are hereby repealed to the extent of such conflict.]

Section 187. KRS 196.010 is amended to read:

[(1)] As used in this chapter, unless the context requires otherwise:

*(1)* [(a)] "Commissioner" [of Welfare" or "commissioner] means Commissioner of Corrections;

*(2)* [(b)] "Department" [of Welfare" or "department"] means Department of Corrections;

[(2) As used in KRS 196.020 to 196.260, unless the context otherwise requires,]

*(3)* "Institution" means any institution under the control of the Department of Corrections.

Section 188. KRS 197.020 is repealed and re-enacted to read:

The department shall:

(1) Formulate and prescribe all necessary regulations and bylaws for the government and discipline of the penitentiary, the rules for the government and official conduct of all officials con-

nected with the penitentiary and for the government of the prisoners in their deportment and conduct;

(2) Prescribe the character of food and diet of the prisoners and rules for the preservation of the health of the prisoners, the daily cleansing of the penitentiary, the cleanliness of the persons of the prisoners, the general sanitary government of the penitentiary and prisoners, the character of the labor, and quantity of food and clothing, and the length of time during which the prisoners shall be employed daily; and

(3) Cause the rules and regulations prescribed by them, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places in the cell houses and workshops.

Section 189. KRS 199.440 is amended to read:

The commissioner may authorize the destruction of such original reports and records as have been properly recorded or summarized in the permanent records of the *department* [division] or are no longer considered necessary to the proper administration of the department. Such destruction or disposition shall be made only by order of the commissioner. Any money received from the disposition of such records shall be deposited *and credited to the use of the Department of Child Welfare* [to the credit of the Child Welfare and Benefit Fund].

Section 190. KRS 199.810 is amended to read:

(1) There *is* [shall be] established in the state government a Department of Child Welfare, a statutory [administrative] department within the meaning of *KRS* Chapter 12 [of the Kentucky Revised Statutes], the exceutive head of which shall be a Commissioner of Child Welfare.

(2) The Commissioner of Child Welfare shall be appointed by the Governor as provided in KRS 12.040 for heads of statutory [administrative] departments [and shall receive an annual salary of $11,000].

Section 191. KRS 199.850 is amended to read:

[(1)] The Department of Child Welfare *is* [shall be]

responsible for all child welfare functions *except those related to children receiving public assistance under the Aid to Dependent Children Program* [heretofore exercised by the Department of Economic Security and the Department of Welfare], except as otherwise provided *by law.* [in KRS 199.810 to 199.890. The Division of Children's Services of the Department of Economic Security and the Division of Children's Institutions of the Department of Welfare, together with their personnel, properties, facilities, equipment, records, funds, and appropriations heretofore granted them under the statutes are hereby transferred to the Department of Child Welfare, except as otherwise provided in KRS 199.810 to 199.890. Present wards of the Department of Economic Security and the Department of Welfare shall also be transferred to the Department of Child Welfare.]

[(2) All functions related to child welfare, except those related to children receiving public assistance under the Aid to Dependent Children Program, delineated in Chapters 199, 200, and 208 of the Kentucky Revised Statutes heretofore performed in the Department of Economic Security and the Department of Welfare are transferred to the Department of Child Welfare. Present wards of the Department of Economic Security and the Department of Welfare shall also be transferred to the Department of Child Welfare and the respective courts of the Commonwealth shall take any necessary steps to denote this transfer.]

Section 192. KRS 200.010 is amended to read:

(1) As used in KRS Chapter 200, unless the context requires otherwise, "Department" means Department of *Child Welfare* [Economic Security].

(2) As used in KRS 200.080 to 200.240, unless the context requires otherwise, "Mother" includes any female person standing in loco parentis to any child under fourteen years of age.

Section 193. KRS 200.320 is amended to read:

(1) Before any child is entitled to the benefits of KRS 200.310 to 200.330, he must *be* [have been] duly registered and accepted as a ward of *the* [such] association, institution or corporation, at least ninety days prior to application for the benefits

of KRS 200.310 to 200.330, and *the* [such] association, institution or corporation shall file in the office of the county clerk an affidavit sworn to by the executive officer of the association, institution or corporation, in support of the acceptance and registration of the child. The executive officer shall also file with the county clerk a petition declaring that the child named in the application is a dependent child.

(2) The county clerk shall thereafter refer the application and petition to the county judge, who shall make diligent investigation as to the eligibility of the child as a *neglected or* dependent child as defined by KRS *199.011* [199.010]. If it *is* [be] determined that the child is a dependent child, he shall thereafter commit the child to the association, institution or corporation making the application, and the child shall be entitled to the benefits provided in KRS 200.310 to 200.330.

Section 194. KRS 202.340 is amended to read:

(1) Whenever the staff of a state institution for mentally *retarded* [defective] persons believes that the condition of a patient has sufficiently improved so that his release will not be injurious to him or detrimental to the public welfare, or that he is not a proper case for treatment at a state institution, it may, on filing a written certificate with the department [of Welfare], release *the* [such] person, unless the person is held on an order *a*rising out of a criminal offense.

(2) Before making *the* [such a] certificate, the staff shall satisfy themselves by sufficient proof that friends or relatives of the person are willing and financially able to receive and care for *the* [such] person after his release if he is unable to care for himself. If the person to be released is indigent, he shall be returned to the county judge of the county from which he was committed.

(3) No person shall receive a pauper mental *retarded* [defective] into his home without a permit from the department [of Welfare].

Section 195. KRS 203.110 is amended to read:

(1) The department may employ counsel, upon the advice and approval of the Attorney-General, to institute or defend such

actions or proceedings as it deems necessary or proper to enforce the payment or reimbursement for board and maintenance of patients. In case of failure of suits, the expense thereof shall be certified by the commissioner [of Welfare] to the Department of Finance which shall provide for its payment out of the funds appropriated for the use of the department [of Welfare].

(2) The statute of limitation providing the time in which actions for such recovery may be instituted shall not run against recovery [herein] provided for *in this chapter* until from and after the time at which *the* [said] estate is acquired.

Section 196. KRS 203.190 is amended to read:

The department shall maintain a training school for *mentally retarded* [feeble-minded] persons, and a farm colony for them to be located on land suitable for farming, stock raising and fruit growing. Sufficient buildings shall be maintained to accommodate the inmates.

Section 197. KRS 203.250 is amended to read:

(1) A person having the care, custody or charge of *a mentally retarded persons* [an idiot] may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging *the mentally retarded person* [an idiot] to be a pauper, have an allowance to a pauper *mentally retarded person* [idiot] of not more than seventy-five dollars per annum to be paid as follows:

(a) One-half of the allowance shall be cretified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-half of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the *mentally retarded person* [idiot] dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

Section 198. KRS 203.260 is amended to read:

(1) No money shall be drawn from the State Treasury for the support of *a mentally retarded person* [an idiot] unless the circuit court wherein the inquest is held makes the allowance at the time of the inquest.

(2) No allowance shall be made for the maintenance of any person under the age of eight years, nor for one who at times, by epileptic fits or other malady, is *mentally retarded* [enfeebled in mind], or who has not been found to be a pauper *mental retarded person* [idiot].

Section 199. KRS 203.280 is amended to read:

Every fifth year after the first inquest, before any order is granted by the court for the maintenance of *a mentally retarded* [an idiot or a feeble-minded] person out of his own estate, or out of the State Treasury, the *mentally retarded* [idiot or feeble-minded] person shall be brought into the court unless his presence is dispensed with for the reasons allowed in KRS 202.130. The court shall cause a jury to be impaneled and sworn as provided in KRS 202.140, and also sworn to inquire, and report from the evidence, whether the defendant has before been found, by verdict of a jury and judgment of a court, to be *a mentally retarded* [an idiot or a feeble-minded] person, and whether and what change, if any, has taken place in his mind, physical condition and estate since the previous inquest.

Section 200. KRS 203.290 is amended to read:

The circuit clerk of each county shall transmit to the Department of Finance, on or before the tenth of September in each year, a list of the pauper *mentally retarded persons* [idiots] in his county.

Section 201. KRS 203.300 is amended to read:

No person shall bring or cause to be brought into this state any *mentally ill or mentally retarded person* [feeble-minded], epileptic, insane person or idiot] with the intent to make him a charge upon this state, or shall fraudulently secure any adjudication that a person is a pauper *mentally retarded person* [idiot]

with the purpose of securing the allowance provided by KRS 203.250.

Section 202. KRS 208.400 is amended to read:

The department *is* [shall be] responsible for the operation, management and development of the existing state institutional physical facilities for the custodial care or reformation of children, but not including educational institutions or institutions designed primarily for the care or treatment of mentally or physically handicapped children. The department shall further be responsible for the development of such additional institutional physical facilities and other necessary physical facilities, such as forestry camps, farms, or vocational training facilities, as are necessary to provide an adequate and modern program for the care, treatment and rehabilitation of children committed to the state under the juvenile court laws [, provided, however, that the Kentucky Children's Home shall be used only for the children that have been committed to the care and supervision of the Department of Economic Security].

Section 203. KRS 208.460 is amended to read:

If it appears that a child committed to the department is mentally ill or defective, the department may commit him, for a period of observation not to exceed thirty-five days, to a state mental hospital or to *an institution operated by the Department of Mental Health* [the Kentucky Training Home], or to a public hospital having a psychopathic ward or facilities suitable for the observation of mental conditions. If it appears from such observation that the child requires treatment or hospitalization for mental illness or defect, the department shall cause proceedings to be instituted under the statutes governing inquests concerning mental condition, and if the child is committed to a mental hospital or to *an institution operated by the Department of Mental Health* [the Kentucky Training Home] he shall automatically be discharged from his commitment to the department. If facilities are not available to receive a child in a state mental hospital or *an institution operated by the Department of Mental Health* [the Kentucky Training Home], the department may retain custody of the child for a reasonable time or return the child to the county of the court which committed the child to the department.

Section 204. KRS 210.150 is amended to read:

The Division of *Farm Management in the Department of Corrections* [Agricultural Production in the Department of Welfare,] under agreements with the Department of Mental Health, shall supervise the management and operation of any farm or agricultural facilities attached to or a part of any of the institutions operated by the Department of Mental Health. The products of any such farm or agricultural facility shall be furnished to the institution for its use or sold or exchanged for the use of the institution.

Section 205. KRS 211.100 is amended to read:

The Department shall be divided into the following divisions: Division of Budgets and Accounts, Division of Buiding and Common Services, Division of Preventive Medicine, Division of Dental Health, Division of Food and Drug Control, Division of Hospital Services, Division of Legal Services, Division of Local Health Services, Division of Maternal and Child Health, *Division of Medical Care,* Division of Medical Licensure, Division of Nutrition, Division of Occupational Health, Division of Personnel and Training, Division of Public Health Education, Division of Public Health Engineering, Division of Public Health Laboratories, Division of Public Health Nursing, Division of Public Health Sanitation, Division of Statistical Services, Division of Tuberculosis Control and Division of Vital Statistics.

Section 206. KRS 215.062 is amended to read:

(1) The commission shall employ and fix compensation of an executive director for the hospitals. The executive director shall make his headquarters in Frankfort and *may* [shall be authorized to] employ sufficient staff to permit sound administration of the hospitals. He shall be responsible to the commission for the total administration of the hospitals, within policies established by the commission, and for other [such] duties [as may be] prescribed by the commission. The executive director shall have such qualifications as may be prescribed by the commission and the *Department of Personnel* [Division of Personnel Efficiency of the Department of Finance].

(2) The commission shall employ and fix the compensation

of [such] qualified professional, technical and administrative personnel [as] it deems necessary for the operation of the hospitals and may regulate the terms of service and types of duties.

(3) Physicians serving in executive capacities shall be graduates from accredited schools of medicine; have full licenses to practice medicine in the state of Kentucky, have had at least five years of clinical experience in the field of tuberculosis and be members, in good standing, of the Kentucky State Medical Association.

(4) Physicians not serving in executive capacities shall have licenses to practice medicine in Kentucky.

(5) Other professional, technical and administrative personnel serving in executive capacities shall have such professional qualifications as may be prescribed by the commission and the *Department of Personnel* [Division of Personnel Efficiency of the Department of Finance].

Section 207. KRS 226.990 is amended to read:

(1) Any pawnbroker who violates any of the provisions of KRS 226.020 to 226.050 shall be fined not less than fifty dollars nor more than five hundred dollars, and his license may be forfeited to the use of the city in which the prosecution takes place.

(2) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of KRS 226.060 shall be *fined not less than fifty dollars nor more than five hundred dollars* [guilty of a misdemeanor].

(3) Any pawnbroker who violates any of the provisions of KRS 226.070 shall be fined not less than twenty dollars nor more than one hundred dollars.

(4) Any pawnbroker who violates any of the provisions of KRS 226.080 or 226.090 shall be subject to the penalties provided in subsection (1) of this section.

Section 208. KRS 228.010 is amended to read:

(1) The provisions of this chapter [shall] apply only to cities of the first and second class.

(2) As used in this chapter, unless the context otherwise requires:

(a) "Assistant" includes persons authorized to act as such by the *Commissioner of the Department of Public Safety* [Director of the Division of Insurance];

(b) *"Commissioner" means the Commissioner of the Department of Public Safety* ["Director" means Director of the Division of Insurance];

(c) *"Department" means the Department of Public Safety* ["Division" means the Division of Insurance];

(d) "Dry cleaner and dyer" includes one who is either a dry cleaner or a dyer and "dry cleaning and dyeing" includes either the process of dry cleaning or the process of dyeing; and

(e) "Dry cleaning and dyeing business" means the business of cleaning, sponging or dyeing clothing, feathers or any sort of fabrics or textiles by the use of carbon disulphide, gasoline, naphtha, benzine, benzol, or other light petroleum, coal tar products or inflammable liquid, or cleaning, sponging or dyeing by the use of inflammable volatile substances. It includes the business of cleaning by the local application of an inflammable liquid, solely or in connection with, or as part of, any other business.

Section 209. KRS 230.990 is amended to read:

*(1)* [(2)] Any person who violates KRS 230.070 or subsection (3) of KRS 230.080 shall be fined not more than one thousand dollars. In addition to the fine, he shall be imprisoned in the county jail for not more than one year or imprisoned in the penitentiary for not more than two years.

*(2)* [(3)] Any person who violates KRS 230.090 shall, for each offense, be fined not more than five hundred dollars, or imprisoned for not more than six months, or both fined and imprisoned.

*(3)* [(4)] Any person who violates subsection (2) of KRS 230.130 shall be fined not less than five hundred nor more than one thousand dollars for each day of the meeting or racing.

[(5) Any person who violates KRS 230.150 or subsection

(3) of KRS 230.160 shall be fined not more than one thousand dollars. In addition to the fine, he shall be imprisoned in the county jail for not more than one year or imprisoned in the penitentiary for not more than two years.]

[(6) Any person who violates KRS 230.170 shall, for each offense, be fined not more than five hundred dollars, or imprisoned for not more than six months, or both fined and imprisoned.]

Section 210. KRS 241.015 is amended to read:

There is created a Department of Alcoholic Beverage Control, which shall constitute a statutory administrative department of the state government within the meaning of *KRS* Chapter 12 [of the Kentucky Revised Statutes]. The department [shall] consists of the Commissioner of Alcoholic Beverage Control and the Alcoholic Beverage Control Board. The commissioner shall head the department, shall be its executive officer, and shall have charge of the administration of the department and perform all functions of the department not specifically assigned to the board. The Governor shall appoint as commissioner a person with administrative experience in the field of alcoholic beverage control. The commissioner shall be appointed for a term of four years [and shall receive a salary of five thousand dollars per annum].

Section 211. KRS 241.030 is amended to read:

The Alcoholic Beverage Control Board shall consist of the Commissioner of Alcoholic Beverage Control and two persons appointed by the Governor, who shall be persons with administrative experience in the field of alcoholic beverage control and who shall serve for terms of four years each. One of such persons shall serve as Administrator of the Distilled Spirits Unit, and the other shall serve as Administrator of the Malt Beverage Unit, as indicated by the Governor in making the appointments. The commissioner shall be chairman of the board. [The two administrators shall each receive a salary of four thousand five hundred dollars per annum].

Section 212. KRS 241.060 is amended to read:

[(1)] The board shall have the following functions, powers and duties:

(1) To adopt reasonable regulations governing the procedure relative to applications for and revocations of licenses and relative to all other matters over which the board has jurisdiction, and for the supervision and control of manufacture, sale, transportation, storage, advertising and trafficking of alcoholic beverages. Regulations need not be uniform in their application, but may vary in accordance with reasonable classifications;

(2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this state or any political subdivision, and restrict the locations of licensed premises. To this end the board may make reasonable division and subdivision of the state or any political subdivision into districts. Regulations relating to the granting, refusal and revocation of licenses may be different within the several divisions of subdivisions;

(3) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and require the production of any books or papers relative to the inquiry, regardless of whether the witnesses are licensees. The power provided in this subsection may be delegated by the board to any member or employe of the department. Provisions of the *Rules of Civil Procedure* [Civil Code of Practice] shall apply to subpoenas issued pursuant to this subsection, but such subpoenas shall be effective throughout the state and shall be enforcible by petition to a court of competent jurisdiction. The department may pay witnesses the per diem and mileage provided in KRS 421.010;

(4) To conduct hearings and appeals under KRS 241.150, 241.200, 243.470 and 243.520 and render decisions upon the subjects of the hearings and appeals;

(5) To suspend, revoke or cancel for cause, after a hearing, any license issued under KRS 243.020 to 243.670;

(6) [To close, lock and bar, for a period not to extend beyond the following June 30, any premises in or upon which a violation of KRS Chapter 241, KRS 243.020 to 243.670, or

KRS Chapter 244 has taken place.] If [the] violation *of KRS Chapter 241, KRS 243.020 to 243.670 or KRS Chapter 244 has taken place on the premises* [was] within the knowledge of the owner, or was committed or permitted in or upon premises owned by a licensee, the board shall prohibit the issuance of a license for the premises until the expiration of two years from the time the offense was committed;

(7) To suspend a license for any cause for which the board is authorized to exercise its discretion as to revoking a license;

(8) To make rules and regulations and to provide forms, that may be necessary to regulate the alcoholic beverage industry and to make KRS 244.380 to 244.470 effective. Before any such rule or regulation is adopted, the board, after notice, shall hold a public hearing at its offices in Frankfort, Kentucky, not less than five days before said rule or regulation is to be adopted. [Not less than ten days] *N*otice of such hearing and of the proposed rule or regulation, [as well as the date when the same is proposed to be adopted,] shall be given in the following manner:

(a) By publication *pursuant to KRS Chapter 424* [in not less than six newspapers which combined will give substantial statewide publication]; and

(b) By registered letter to the principal office of any organized group or groups of licensees, or class thereof, where such organization has made a request, in writing, to be so notified.

In the event of an emergency the provisions of KRS 13.085 shall become applicable. When any rule or regulation is adopted, the same shall be filed and become effective in the manner and time prescribed in KRS Chapter 13.

Section 213. KRS 242.125 is amended to read:

(1) In any county in which the provisions of KRS 242.220 to 242.430 are applicable by reason of an election for the entire county having heretofore resulted in favor of prohibition, an election may be held in any city of the first four classes in such county to take the sense of the people of *the* [such] city as to

the discontinuance of prohibition in *the* [such] city. For this purpose, the election in *the* [such] city shall not be deemed to be an election in the "same territory" as that in which the county-wide election was held, within the meaning of subsection (5) of KRS 242.030. If, at *the* [such] election for [such] a city, the majority of the votes cast are against prohibition, the vote [shall] make*s* KRS 242.220 to 242.430 inapplicable to the entire city, but this *does* [shall] not prevent an election from thereafter being held in any precinct of *the* [such] city, subject to the provisions of KRS Chapter 242, to take the sense of the people of *the* [such] precinct as to the application of KRS 242.220 to 242.430 in *the* [such] precinct.

(2) In any election hereafter held for an entire county, which county is not at the time of *the* [such] election dry territory by reason of a county-wide election heretofore held, for the purpose of taking the sense of the voters as to the application of KRS 242.220 to 242.430 in *the* [such] county, the voters within each city of the first four classes in *the* [such] county shall be furnished a ballot upon which the question shall be, "Are you in favor of the sale of alcoholic beverages in (name of city)?" [(Provided, however, that] *N*o ballot shall be furnished to the voters of any city of such class, if, less than three years prior to the date of the proposed county-wide election *a city-wide election* was held in *the* [such] city at which a majority of the votes cast were against prohibition. The status of such a city *is not* [shall not be] affected by the result of the county-wide election. [)] The voters outside of the cities of such classes shall be furnished a ballot upon which the question shall be, "Are you in favor of the sale of alcoholic beverages in (name of county), outside of the corporate limits of the cities of the first four classes?" The ballots of each such city shall be separately tabulated, and the ballots of the voters outside such cities shall be separately tabulated. If the majority of votes cast in any such city are for prohibition, KRS 242.220 to 242.430 shall apply to the entire city. If the majority of votes cast in any such city are against prohibition, then KRS 242.220 to 242.430 shall be inapplicable, except, that if, that at the time of *the* [such] election any number of precincts of the city, less than the entire city were dry territories, the votes shall not make KRS 242.220 to 242.430 inapplicable in such precinct. If the majority of votes cast in any [such] city are

against prohibition, and if, at the time of such election, the entire city was dry territory, KRS 242.220 to 242.430 shall be inapplicable to the entire city. If the majority of votes cast in the county outside of such cities of the first four classes are for prohibition, KRS 242.220 to 242.430 shall apply to all of the county outside of *the* [such] cities. If the majority of the votes cast in the county outside of *the* [such] cities are against prohibition, the votes shall not make KRS 242.220 to 242.430 inapplicable to any district or precinct *outside* of *the* [such] cities that was dry territory at the time of the election.

(3) If, in any city-wide election [hereafter] held in a city of the first four classes for the purpose of taking the sense of the voters as to the adoption or discontinuance of the application of KRS 242.220 to 242.430 to *the* [such] city, other than an election coming within the provisions of subsection (1) or (2) of this section, the majority of the votes cast are for prohibition, KRS 242.220 to 242.430 *applies* [shall apply] to every portion of the city. If, in any [such] city-wide election, the majority of the votes cast are against prohibition, and if, at the time of *the* [such] election, any number of precincts in *the* [such] city less than the entire city were dry territories, the votes *do* [shall] not make KRS 242.220 to 242.430 inapplicable to such precincts. If, in any city-wide election, the majority of votes cast are against prohibition, and if, at the time of the election, the entire city was dry territory, KRS 242.220 to 242.430 *is* [shall be] inapplicable to the entire city.

[(4) In the case of any city located in more than one county, the portion of *the* [such] city located in each county shall, for the purpose of any election under KRS Chapter 242, be deemed to be a city of the class to which the entire city belongs, and the status of the portion of the city in each county, with respect to the application of KRS 242.220 to 242.430, shall be governed by the election held within such portion, or in the individual precincts within such portion, as provided in this section.]

Section 214. KRS 243.200 is amended to read:

(1) A distilled spirits and wine transporter's license shall authorize the licensee to transport distilled spirits and wine to or

from the licensed premises of any licensee under KRS 243.020 to 243.670 if both the consignor and consignee in each case are authorized by the law of the states of their residence to sell, purchase, ship or receive the alcoholic beverages.

(2) A distilled spirits and wine transporter's license shall be issued only to persons authorized by proper certificate from the *Department of Motor Transportation* [Division of Motor Transportation in the Department of Business Regulation] to engage in the business of common carrier.

(3) No person except a railroad company or railway express company shall transport or cause to be transported any distilled spirits or wine, unless expressly authorized to do so by law.

(4) Distilled spirits and wine may be transported by the holder of any license authorized by KRS *243.030* [243.020] from and to express or freight depots to and from the premises covered by the license of the person so transporting distilled spirits or wine.

Section 215. KRS 243.715 is amended to read:

(1) Upon all wine or malt beverages upon which the tax imposed by subsections (2) and (3) of KRS 243.720 as such statute existed on January 1, 1954 has been paid and which on July 1, 1954, are held and intended for sale or for use, there shall be levied, assessed, collected and paid a floor stocks tax as follows:

(a) Twenty-five cents on each gallon of wine and a proportionate tax at a like rate on all fractional parts of a gallon;

(b) One dollar on each thirty-one gallon barrel of malt beverages and a proportionate tax at a like rate on all practional parts of a barrel.

(2) Under such regulations as the Department of Revenue shall prescribe, every person required by subsection (1) of this section to pay any floor stocks tax shall on or before July 15, 1954, make a return and pay such tax to the Department of Revenue. Payment of the tax shown to be due may be extended to a date not later than September 1, 1954, under such regulations as the Department of Revenue shall prescribe.

(3) Any person who fails to pay the tax levied by this section at the time prescribed in subsection (2) of this section for payment, shall pay a penalty of twenty percent of the amount of tax due. Such penalty shall be assessed by the Department of Revenue and may be reviewed only as provided in KRS 131.110 [and KRS 131.120].

(4) Any person who violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one thousand dollars, or be imprisoned for not less than thirty days nor more than one year, or both.

Section 216. KRS 246.020 is amended to read:

The efforts of the department shall be directed to the promotion of the interests of agriculture *and* horticulture [, manufactures and to matters relative to labor and to statistics].

Section 217. KRS 246.210 is amended to read:

(1) The department or its agents shall have free access within reasonable hours to any farm, orchard, garden, elevator, warehouse, building, cellar, freight or express office or car, freight yard, vehicle, vessel, boat, container or any other place which, for probable cause, it may be necessary or desirable for the agents to enter in order to enforce a quarantine against the European corn borer (Pyrausta nubilaslis).

(2) The board or any of its members or representatives may after reasonable notice enter any premises for the purpose of inspecting or testing livestock to determine the existence of, or to combat in any way, communicable diseases. The owner of the livestock to be tested or inspected shall, after reasonable notice, confine and present such livestock to the representatives of the board. Whenever the board or any of its representatives determine through inspection or testing that any livestock is infected with a communicable disease they may enter any premises after reasonable notice and remove therefrom the diseased livestock after an appraisal has been made as provided in KRS 257.110, and have such livestock destroyed or slaughtered and the owner indemnified as provided in KRS 257.120 to KRS 257.150. When necessary the board or any of its members or representatives may call upon peace officers for assistance.

Such officers shall render assistance when ordered to do so by the board or any of its members, representatives, agents or employes.

*(3) A sealer of agricultural warehouses appointed under KRS 251.120 may at all times enter upon any premises to inspect grain in storage or the granary, crib, bin or other receptacle in which it has been stored.*

*(4) The State Entomologist or his authorized agent shall, upon previous application, have free access within reasonable hours to any premises or containers for purposes of trapping, inspecting for, investigating or treating the premises for the control of Japanese beetles (Popillia japonica). In the capacity of State Inspector of Apiaries he may, personally or by deputy, at his discretion, visit private premises during reasonable business hours and inspect any apiary to ascertain the existence of, or to treat or destroy any disease in the egg, larval, pupal or adult stages among bees or brood.*

*(5) The Director of the Agricultural Experiment Station and his agents shall have free access at all reasonable hours to any premises, vehicle, elevator or steamship company, in the discharge of his duties under KRS 250.130.*

Section 218. KRS 246.220 is amended to read:

(1) No person shall in any way hinder, refuse or defeat entrance or inspection by an agent of the department who is performing the duties of his office for the purpose of combating the European corn borer under subsection (1) of KRS 246.210.

(2) No person shall interfere in any way with the board or any of its members or representatives in the inspection of premises and livestock, or in the testing of livestock on any premises when the object of the inspection or testing is to determine the existence of or to combat in any way, communicable disease in livestock. No person shall interfere in any way with the board or any of its members or representatives in the removal from any premises of livestock found to be infected with a communicable disease.

(3) No person shall hinder the efforts of the State Ento-

mologist or his agents in combating Japanese beetles under KRS 246.210 and 249.200.

(4) No person shall hinder the Entomologist in the performance of any of his duties as State Inspector of Apiaries.

(5) No person shall interfere in any way with inspectors or assistants while they are discharging their duties under KRS 250.020 to 250.170.

[(6) No person shall interfere with or attempt to hinder any representative of the department in the course of his duties in inspecting, grading and marketing of tobacco in green order, under KRS 248.250.]

*(6)* [(7)] No person shall hinder, prevent or attempt to prevent any person from discharging his duties under KRS 250.240 to 250.270 and 250.290 to 250.350.

*(7)* [(8)] No person shall in any way impersonate, hinder or obstruct the department or its inspectors in the performance of their official duties under KRS 248.280 to 248.440 or 261.220.

Section 219. KRS 247.170 is amended to read:

The sum appropriated by the General Assembly for premiums alone shall be paid to the State Fair Board and be disbursed by its agent as a petty cash fund in accordance with the provisions of KRS *45.410* [45.280].

Section 220. KRS 248.010 is amended to read:

[(1)] As used in this chapter, unless the context requires otherwise:

*(1)* [(a)] "Commissioner" means the Commissioner of Agriculture; [and]

*(2)* [(b)] "Department" means the Department of Agriculture; [.]

[(2) As used in KRS 248.020 to 248.240, unless the context requires otherwise:

(a) "Buyer" or "handler" means any person who buys tobacco from the producer, who sells tobacco for the producer and

pays the producer for the tobacco, or who redries or otherwise processes tobacco for the producer prior to the sale of the tobacco by the producer, or any producer who markets tobacco produced by him directly to the consumer.

(b) "Commission" means the Kentucky Tobacco Commission.

(c) "Crop year" means the period from March 1 of one year to February 28 of the succeeding year.

(d) "Dealer" means any person who buys and resells tobacco prior to the redrying, conditioning or processing of the tobacco.

(e) "District" means certain counties grouped together geographically and having respectively bases established under the Agricultural Adjustment Administration of the United States Department of Agriculture of all types of tobacco of approximately the same poundage.

(f) "Farm" means a tract of land operated as a unit with the same equipment.

(g) "Kind of tobacco" means one or more of the following types of tobacco, as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agriculture Economics of the United States Department of Agriculture: Types 11, 12, 13 and 14, known as flue-cured tobacco; Type 31, known as Burley tobacco; and Types 21, 22, 23, 24, 35, 36 and 37, known as fire-cured and dark air-cured tobacco. All types enumerated in this subsection shall be designated the same kind of tobacco and a change from one or more of such types to one or more of any of the other types may be made without permission or authority of any commission, board, agency or person.

(h) "Operator" means any person who, as owner, or as cash-rent, standing-rent or share-rent tenant, operates a farm on which tobacco is produced, and includes a sharecropper who operates a farm if the owner-operator or tenant does not provide for the obtaining of marketing certificates with respect to the tobacco crop of the farm.

(i) "Person" includes agency of the state or Federal Government.

(j) "Producer" means any person who has the right during any year to sell, or to receive a share of the proceeds derived from the sale of, tobacco produced by him or on land owned or leased by him.

(k) "Similar Act" means a statute of another state containing provisions substantially the same as KRS 248.020 to 248.240, except that the omission of provisions requiring the establishment of acreage quotas for individual farms shall not be deemed a substantial variation.

(l) "Surplus tobacco" means the quantity of tobacco marketed from the crop produced on a farm in any crop year in excess of the marketing quota for that farm for that year.

(3) As used in KRS 248.250 to 248.270, unless the context requires otherwise:

(a) "Seller" means any person offering for sale or selling tobacco in green order, or his representative; and

(b) "Tobacco in green order" means any tobacco in green order sold in this state.

(4) As used in KRS 248.290 to 248.440, unless the context requires otherwise:]

*(3)* [(a)] "Grower" means a bona fide producer of tobacco, either by himself or by tenant, sharecropper or hired person;

*(4)* [(b)] "Warehouse" means any tobacco warehouse operating as a place of sale for tobacco in this state; and

*(5)* [(c) "Warehouseman" means the owner, operator, manager, lessee or proprietor of a warehouse engaged in selling tobacco or his agents or employes.

Section 221. KRS 248.990 is amended to read:

[(1) Any person who violates any of the provisions of KRS 248.020 to 248.240, for which no other penalty is provided, shall be fined not more than fifty dollars for the first offense and not more than one hundred dollars for each subsequent offense.

(2) Any person who violates KRS 248.130 shall forfeit to the state a sum equal to three times the value of the tobacco sold

in violation of that section. The value shall be determined by the market value of the tobacco at the time of the unlawful sale.

(3) Any person who violates KRS 248.210 shall forfeit to the state a sum equal to fifty dollars per acre of that acreage harvested in excess of the acreage quota for the farm.

(4) Any person who violates KRS 248.230 shall be fined not more than one hundred dollars.

(5) Any person who violates any of the provisions of KRS 248.250 to 248.270 shall be fined not less than five dollars nor more than five hundred dollars.]

*(1)* [(6)] Any tobacco warehouseman, agent, manager, corporation or organization that violates any of the provisions of KRS 248.320 to 248.340 or subsection (2) of KRS 248.350 shall be fined not less than twenty-five dollars nor more than one hundred dollars, and, if a corporation, it shall forfiet all corporate rights and privileges.

*(2)* [(7)] Any person who violates any of the provisions of subsection (1) of KRS 248.350, KRS 248.360 or 248.400 shall be fined not less than two hundred dollars nor more than five hundred dollars.

*(3)* [(8)] Any person who violates any of the provisions of KRS 248.370, 248.390, 248.440 or willfully violates a regulation of the department, or who refuses to pay the fee provided for by KRS 248.290 shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than three months, or both.

*(4)* [(9)] Any person who violates any of the provisions of KRS 248.410 or 248.420 shall be fined not less than five hundred dollars nor more than one thousand dollars.

*(5)* [(10)] Any person who fails or refuses to post notices in accordance with subsection (1) of KRS 248.430 shall be fined not less than fifty dollars nor more than one hundred dollars for each day of failure or refusal.

*(6)* [(11)] Any person who violates subsection (2) of KRS 248.430 shall be fined five hundred dollars for each offense.

*(7)* [(12)] Any person who violates any of the provisions of *subsection (1) of* KRS 248.450 [(1)] shall be fined not less than two hundred dollars nor more than five hundred dollars for each offense.

*(8)* [(13)] Any person who violates any of the provisions of *subsection (2) of* KRS 248.450 [(2)] shall be fined not less than fifty dollars nor more than one hundred dollars for each day of violation.

Section 222. Section 253.070 of 1964 Supplement to KRS is amended to read:

Any peace officer of the state *may* [has the authority to] order funds *derived from the sale* of an animal of questionable ownership held until ownership is established. If ownership is not established wtihin thirty days, the person holding the funds shall remit them to the board, which shall hold the funds for one year. If the title to the animal in question is not ascertained, then the funds shall be deposited in and become a part of the State Department of Agriculture Trust Fund.

Section 223. KRS 260.020 is amended to read:

(1) The Division of Markets in the Department of Agriculture shall be under the supervision of the commissioner, and shall consist of personnel determined and appointed by the commissioner.

(2) The Division of Markets shall be headed by a director appointed by the commissioner, subject to the approval of the Governor. [The Director of the Division of Markets shall receive a salary of not more than $5,000 annually.]

Section 224. KRS 260.992 is amended to read:

(1) Any tester or sampler and weigher violating, or failing, or refusing to comply with KRS *260.785, 260.790, 260.800 and 260.805* [260.780 or 260.795], shall upon conviction, be fined one hundred dollars for the first offense and not less than one hundred dollars nor more than one thousand dollars for each subsequent offense.

(2) Any creamery, milk shipping station, milk factory,

cheese factory, condensery, ice cream factory, or other milk processing or manufacturing plant or person, or agent, firm, company, association or corporation violating, or failing, or refusing to comply with KRS *260.780, 260.795* [260.785, 260.790, 260.800, 260.805] and 260.820 shall be guilty of a misdemeanor and upon conviction, shall be fined not more than one thousand dollars, or imprisoned for not more than one year, or both.

Section 225. KRS 227.330 is amended to read:

If cattle are killed or injured by the locomotive or cars of any railroad company on a track adjoining the lands belonging to or occupied by the owner of the cattle, and the owner has not received compensation for fencing his land along the railroad right of way, the loss shall be divided between the railroad company and the owner of the cattle, unless the cattle were killed or injured by the negligence of the agents or servants of the railroad company, in which case the company shall pay full damages. [The killing or injury of cattle by the engine or cars of any railroad company shall be prima facie evidence of negligence on the part of the agents and servants of the company.]

Section 226. KRS 278.502 is amended to read:

Any corporation or partnership organized for the purpose of, and any individual engaged in or proposing to engage in, constructing, maintaining or operating oil or gas wells or pipe lines for transporting or delivering oil or gas in public service may, if it is unable to contract or agree with the owner after a good faith effort to do so, condemn the lands and material or the use and occupation of the lands that are necessary for constructing, maintaining, *drilling, utilizing* and operating [its] pipe lines, *underground oil or gas storage fields and wells giving access thereto* and all necessary machinery, *equipment,* pumping stations, appliances and fixtures, including tanks and telephone [and telegraph] lines, *and other communications facilities,* for use in connection therewith, and the necessary rights of ingress and egress to construct, examine, alter, repair, maintain, operate or remove such pipe lines *or underground gas storage fields, to drill new wells and utilize existing wells in connection therewith, and remove pipe, casing, equipment and other facilities relating to such*

*underground storage fields and access wells.* The proceedings for condemnation shall be as provided in *KRS 416.010 to 416.080 or as provided in* KRS 416.230 to 416.310.

Section 227. Section 281.623 of 1964 Supplement to KRS is amended to read:

(1) The term "parcel delivery carrier" means any person who holds himself out to the general public as an irregular route common carrier for hire transporting shipments of parcels or articles, no single shipment of which would exceed a combined length and girth of one-hundred and eight inches, or a weight of seventy pounds, at rates to be fixed and approved by the *Department of Motor Transportation.* [department.]

(2) Irregular route common carrier certificates shall state the specific commodity or type of lading for which such certificates are issued to transport, and describe in general the territory wherein the holder thereof shall have the right to operate or originate, if the same be less than statewide.

(3) If any person or his respective predecessor in interest is, as of June 18, 1964, operating pursuant to a valid certificate, granted by the department authorizing operations as parcel delivery carrier by motor vehicle under a regular route common carrier certificate authorizing the movement of intrastate shipments of parcels or articles weighing seventy pounds or less, or not exceeding a total of 108 lineal inches in combined length and girth over regular routes specified in said certificate, all such certificate holders or their respective approved transferees shall be issued by the department upon June 18, 1964, an irregular route certificate for the operation of such parcel delivery service under the same terms and conditions as were embraced in the original regular route common carrier certificate, except that such service under the irregular route certificate shall be rendered to all points and places in the territory contained within the perimeter of the regular routes in said original certificate.

Section 228. Section 281.625 of 1964 Supplement to KRS is amended to read:

(1) (a) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer or lease or for

change in route or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing.

(b) Upon the filing of a petition for the removal of a commodity from the exempted list, the same shall be held in the department and accumulated with others filed, if any, and at the end of each quarter of the year, the department shall fix the time and place for a hearing on [such] petitions [as have been] filed in the preceding quarter.

(c) At least thirty days before the hearing, the department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the regulations of the department, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any other person, who, in the opinion of the department, may be interested in or affected by the granting of the application.

(2) At the time fixed in the notice the department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accordance with the regulations prescribed therefor, file a protest to the granting, in whole or in part, of the application.

(3) The department, may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(4) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if such persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, such persons shall apply to the department for a permit or certificate restricted to interstate commerce and such a permit or certificate may be issued without a hearing.

(5) If such applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commis-

sion, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.

(6) The department shall promulgate regulations designating as exempted commodities those commodities *or* [of] property which are normally and usually not transported by common carriers by motor vehicle and may grant an irregular route common carrier certificate upon application, to transport only such exempted commodities without the holding of a hearing; and the department *may* [shall] also [have the power to] remove any commodity so designated at any time with a hearing.

(7) The department may grant a permit, upon application, to operate a U-Drive-It without the holding of a hearing.

Section 229. KRS 287.011 is amended to read:

(1) There is created a Department of Banking *and Securities*, which [shall] constitutes a [statutory administrative] department of the state government within the meaning of *KRS* Chapter 12 [of the Kentucky Revised Statutes]. The department shall be headed by a Commissioner of Banking *and Securities*, who shall be the executive head of the department and shall be charged with the administration of the department.

(2) The Department of Banking *and Securities* shall [have and] exercise all administrative functions of the state in relation to the regulation, supervision, chartering and licensing of banks, trust companies, building and loan associations, petty loan companies, investment and industrial loan companies, and credit unions, and in relation to the regulation of securities. For administrative purposes the department may be divided into sections for each class of financial institution under jurisdiction of the department, and there shall be within the department, for regulation of securities, a Division of Securities, headed by a director who *has* [shall have] had at least four years' successful business experience.

[(3) Whenever in the statutes there is a reference to the "Division of Banking," "Director of Banking," "deputy director of banking" or similar official, it shall be deemed to refer respec-

tively, to the Department of Banking, Commissioner of Banking, deputy commissioner of banking or other appropriate official of the Department of Banking.]

Section 230. KRS 287.171 is amended to read:

As used in KRS 287.171 to 287.174, unless the context requires otherwise:

(1) "Commissioner" means Commissioner of Banking *and Securities;*

(2) "State bank" means a bank or trust company organized under the provisions of KRS Chapter 287;

(3) "National banking associations" means one or more national banking associations.

Section 231. KRS 287.660 is amended to read:

Each June the director of banking shall make a report to [the Commissioner of Business Regulations to be included in his annual report to] the Governor; setting forth:

(1) A summary of the condition of every bank or trust company organized and doing business under the laws of this state, subject to examination and inspection under this chapter, and such other information relating to such banks and trust companies, as, in his judgment, may be useful;

(2) A statement of every bank or trust company whose business has been closed during the year, that has failed or voluntarily retired during the year;

(3) The name of banks or trust companies placed in his hands in process of liquidation, and the amount of dividends paid thereon;

(4) Any proposed amendment of the laws relating to banks and trust companies, by which the system, in his judgment, may be improved, and by which the security of creditors, depositors, and stockholders may be increased.

Section 232. Section 289.511 of 1964 Supplement to KRS is amended to read:

(1) Money accumulated after making allowances for necessary proper expenses and for withdrawal of shares, shall at each monthly or weekly meeting be offered to members according to their priority or right to a loan as fixed by the bylaws. The bylaws may restrict the maximum amount of loan to which members *are* [may be] entitled. Each member whose application for a loan has been approved shall be entitled, upon giving proper security and complying with the bylaws, to receive a loan equal to the par value of such share or fractional share held by him, or such part as the bylaws allow.

(2) If a balance of money remains after the weekly or monthly loans are granted, the directors may invest the balance in securities in which banks are now permitted to invest.

(3) Any association may subscribe for and invest their funds in the stock of any Home Loan Bank in such amounts and upon such terms as *are* [may be] permitted by the laws and regulations governing the bank. Any association may exchange any real estate, real estate mortgage notes, bonds, or any other investments or securities held by them for the bonds of the U. S., taking the bonds at par in lieu of cash, and may take the bonds at their face value in reduction *or* [of] in payment of indebtedness due to any savings and loan association, or in payment for, or on account of, the purchase price on a sale or transfer of any property, investment, or asset of the building and loan association.

(4) No director, officer, or employe of an association shall receive any fee or other compensation of any kind in connection with procuring any loan for an association, except for services actually rendered as above provided.

(5) The association shall furnish a loan settlement statement to each borrower upon the closing of the loan, indicating in detail the charges and fees *the* [such] borrower has paid or obligated himself to pay to the association or to any other person in connection with *the* [such] loan. A copy of *the* [such] statement shall be retained in the records of the association.

Section 233. Section 289.750 of 1964 Supplement to KRS is amended to read:

(1) If the commissioner, as a result of any examination or

from any report made to him, believes that the public interest may be served by the appointment of a conservator, *applies* [apply] to a court of general jurisdiction in the county in which the home office of the association is located for the appointment of a conservator[. Such] court *may* [is authorized to] appoint a conservator if it finds that *the* [such] association:

(a) Is in an impaired condition, or

(b) Is in violation of an order or injunction, as authorized by this section, which has become final in that the time to appeal has expired without appeal, or a final order entered from which there can be no appeal.

(2) The commissioner, his examiner, or another person may be appointed by the court as conservator, and a certified copy of the order of the court making *the* [such] appointment shall be evidence thereof. [,] *The* [such] conservator shall have the power and authority provided in this chapter and such other power and authority as *is* [may be] expressed in the order of the court. *The* [Such] conservator shall endeavor promptly to remedy the situations complained of in the petition for his appointment.

(3) Within six months of the date of *the* [such] appointment, or within twelve months if the court [shall] extends *the* [such] six months' period, *the* [such] association shall be returned to its board of directors and thereafter shall be managed and operated as if no conservator had been appointed, or a receiver shall be appointed as provided in KRS 289.760.

(4) If the commissioner, or examiner, is appointed conservator he shall receive no additional compensation, but if another person is appointed, then the compensation of the conservator, as determined by the court, shall be paid by the association.

(5) A certified copy of the order of the court discharging *the* [such] conservator and returning such association to its directors shall be sufficient evidence thereof.

(6) Any conservator appointed shall have all the rights, powers, and privileges possessed by the officers, board of directors, and members of the association.

(7) The conservator shall not retain special counsel or other experts, incur any expense other than normal operating expenses, or liquidate assets except in the ordinary *course* [court] of operations.

(8) The directors and officers shall remain in office and the employes shall remain in their respective positions, but the conservator may remove any director, officer, or employe, *if* [provided] the order of removal of a director or officer *is* [shall be] approved in writing by the commissioner.

(9) While the association is in the charge of a conservator, members of such association shall continue to make payments to the association in accordance with the terms and conditions of their contracts, and the conservator, in his discretion, may permit savings account members to withdraw their accounts, from the association pursuant to the provisions of this chapter or under such rules and regulations as the commissioner may prescribe. The conservator shall have power to accept savings accounts and additions to savings accounts, but any [such] amounts received by the conservator may be segregated if the commissioner [shall] so order*s* in writing; if so ordered, such amounts shall not be subject to offset and shall not be used to liquidate any indebtedness of such association existing at the time the conservator was appointed for it or any subsequent indebtedness incurred for the purposes of liquidating the indebtedness of any such association existing at the time such conservator was appointed. All expenses of the association during such conservatorship shall be paid by the association.

Section 234. Section 289.991 of 1964 Supplement to KRS is amended to read:

(1) Any person who violates any provision of subsection (2) of KRS 289.041 shall be fined not more than $5,000, and each day of violation [shall] constitutes a separate offense.

(2) Any person guilty of conduct for which civil liability is provided for by subsection (1) of KRS 289.231 shall be punished in the manner prescribed for stealing property of the same value as the property so used, disposed of, assigned, transferred or cancelled.

(3) Every association, officer, agent or manager that fails to make the report required by KRS 289.131, and to furnish any information called for by the commissioner under oath and attestation of its officers shall be severally fined not less than one hundred dollars.

(4) The president and secretary of any association that fails to make and file any report required by this chapter within thirty days after it is due, shall be fined not more than one hundred dollars.

(5) Any examiner who violates subsection (3) of KRS 289.710 shall be fined not less than one hundred dollars nor more than five hundred dollars.

(6) Any examiner in the department [of Banking] who knows of the insolvency or unsafe condition of any association, or knows that it is inexpedient to permit an association to continue business, and who neglects to immediately present a signed report of *that* [such] fact to the commissioner, or who illegally discloses any information obtained by him by virtue of his office, or who violates any of the provisions of this chapter or fails to perform any duty imposed upon him *by this chapter except as* provided in subsection (5), shall be fined not less than one hundred dollars nor more than two thousand dollars for each offense.

(7) Any commissioner who knows of the insolvency or unsafe condition of any association or knows that it is inexpedient to permit an association to continue business, and who willfully fails to take the action provided in this chapter, or who illegally discloses any information obtained by him by virtue of his office, or violates any of the provisions of this chapter, or fails to perform any duty imposed upon him by this chapter, shall forfeit his office and be fined not less than five hundred dollars nor more than five thousand dollars for each offense.

(8) Except as provided in subsection (3), any association which knowingly fails to make any report required by law or by the commissioner within the specified time, or to include any matter required, or to pay the fees for filing reports or for examinations when due, shall be fined twenty-five dollars for each day

of delinquency. The aggregate penalty for each offense shall not exceed two hundred and fifty dollars.

(9) Every person or association that willfully makes or transmits a false report, [or transmits a false report,] or refuses to submit its books, papers or assets for examination, or any officer of an association who refuses to be examined under oath concerning the affairs of the association, shall severally be fined not less than one hundred dollars nor more than five hundred dollars.

(10) Whenever any penalty imposed by this section is not paid, the Attorney General shall institute an action, in the name of the state, in the Franklin circuit court or the circuit court of the county in which the offense was committed, for the recovery of the penalty.

Section 235. KRS 290.010 is amended to read:

As used in this chapter, unless the context otherwise requires:

(1) "Corporation" means a credit union organized as provided in this chapter;

(2) "*Commissioner* [Director of Banking]" means the Commissioner of Banking *and Securities;* and

(3) "Temporary Loan" means any loan by a credit union which when made is payable not later than the next regular payday or, the next regular deduction pay period of the borrower.

Section 236. KRS 291.010 is amended to read:

[(1) The provisions of KRS 291.020 to 291.110 do not apply to companies organized under the provisions of KRS 291.120 to 291.160.]

[(2)] As used in KRS 291.020 to 291.110,

*(1) "Commissioner"* [(a) "Director of Banking"] means the Commissioner of Banking *and Securities;* [and]

*(2)* [(b)] "Foreign investment company" means an investment company organized under the laws of any other state; *and*

(3) [As used in KRS 291.020 to 291.110,] "Investment

company" means any corporation, company, partnership or association [, except companies organized under KRS 291.120,] organized for the purpose of placing or selling investment securities of any kind on any plan of payment, and providing for the redemption and retirement of such securities or any part thereof.

[(4) As used in KRS 291.120 to 291.160, "company" means a loan and investment corporation organized under KRS 291.120.]

Section 237. KRS 291.410 is amended to read:

As used in KRS 291.410 to 291.600, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Banking *and Securities;*

(2) "Certificate holder" means an industrial loan corporation organized under the provisions of KRS 291.410 to 291.600 to which a certificate, as defined in subsection (3) of this section, has been issued by the commissioner [of Banking].

(3) "Certificate" means a written instrument issued by the commissioner [of Banking] authorizing the corporation therein named to do business under the provisions of KRS 291.410 to 291.600, except when used in the phrase "certificate of investment."

Section 238. KRS 292.310 is amended to read:

When used in this chapter, unless the context otherwise requires:

(1) "Director" means the Director of the Division of Securities in the Department of Banking *and Securities;*

(2) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "agent" does not include an individual who represents an issuer in (a) affecting a transaction in a security exempted by subsection (1), (2), (3), (9), (10) or (11) of KRS 292.400, (b) effecting transactions exempted by KRS 292.410 or (c) effecting transactions with existing employes, partners or directors of the issuer if no commission or other remuneration is paid or given directly or in-

directly for soliciting any person in this state. A partner, officer, or director of a broker-dealer or issuer is an agent only if he otherwise comes within this definition;

(3) "Broker-dealer" means any person engaged in the business of effective transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (a) an agent, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in paragraph (b);

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends;

(5) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company; (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession; (c) a broker-dealer; (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation; (e) a person whose advice, analyses, or reports relate only to securities exempted by KRS 292.400 (1); (f) a person who has no place of business in this state if 1. his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment

Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or 2. during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause 1., or (b) such other persons not within the intent of this subsection as the director may by rule or order designate;

(6) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositors or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued;

(7) "Non-issuer" means not directly or indirectly for the benefit of the issuer;

(8) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government;

(9) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt to offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into an-

other security of the same or another issuer, is considered to include an offer of the other security;

(10) "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935," and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after January 1, 1961;

(11) "Security" means any note; stock, treasury stock; bond; debentures; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease to more than five persons; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period;

(12) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

Section 239. KRS 299.010 is amended to read:

(1) The provisions of this chapter do not apply to secret or fraternal societies, lodges, or councils that are under the supervision of a grand or supreme body and secure members through the lodge system exclusively, and pay no commissions and employ no agents except in the organization and supervision of the work of local subordinate lodges or councils, nor do they apply to companies, societies or associations organized under the authority and patronage of any church or religious denomination for the exclusive purpose of insuring the property of churches or religious denominations and the personal property of the pastors and ministers thereof against loss or damage by fire, lightning or storm.

(2) As used in this chapter, unless the context requires otherwise:

(a) ["Director" or] "Commissioner" means the Commissioner of the Department of Insurance;

(b) "Policy" means any policy, certificate of membership, or contract of insurance;

(3) "Company," as used in KRS 299.020 to 299.300, means any corporation, association or society transacting in this state a life or casualty insurance business, or both, upon the cooperative or assessment plan, as defined in KRS 299.020;

(4) "Company," as used in KRS 299.310 to 299.470, means any corporation organized under KRS 299.310 and 299.320 for the purpose of transacting, and any company heretofore organized under any similar law of this state or under the general corporation laws of this state that is transacting, the business of insurance against physical loss or damage of property by such hazard or hazards as it may provide in its policies, upon the cooperative or assessment plan.

Section 240. Subsection (1) of KRS 303.010 is amended read:

(1) As used in this chapter, unless the context requires otherwise ["director" or] "commissioner" means the [Director or] Commissioner of Insurance. [or such other officer of the state as may be designated to exercise the functions of the state in regard to insurance.]

Section 241. KRS 303.123 is amended to read:

[(1) From and after June 13, 1944 it shall be unlawful for any agreement, policy, contract, bond, assurance, or guarantee or bylaw of any burial association or association of a similar nature to provide for the payment of benefits or proceeds of any such agreement, policy, contract, bond, assurance or guarantee, or any part thereof, to any designated or particular undertaker or undertaking concern or to any particular or designated tradesman or business man or to any undertaker, undertaking concern, tradesman or business man out of any particular or designated group of undertakers, undertaking concerns, tradesmen or busi-

ness men; but any undertaker or undertaking concern authorized to do business in this state and who qualifies under the terms of KRS 303.122 may upon request of the personal representative or family of a deceased member, or any other person having charge of the funeral of any deceased member, perform the provisions of the agreement, policy, contract, bond, assurance or guarantee and upon such performance shall be entitled to receive the benefits and proceeds provided for therein.]

[(2)] No agreement, policy, contract, bond, assurance or guarantee of any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky *is* [shall be] transferable or assignable nor *are* [shall] the benefits or any part thereof [be] transferable or assignable.

Section 242. KRS 304.061 is amended to read:

(1) For the purpose of this code, "state" means any state of the United States, [the territories of Alaska and Hawaii,] the Government of Puerto Rico and the District of Columbia.

(2) For the purposes of this code, "United States," when used to signify place, means only the states of the United States of America, [the Territories of Alaska and Hawaii,] the Government of Puerto Rico and the District of Columbia.

Section 243: KRS 304.990 is amended to read:

(1) [Penalties for particular offenses.] Any person violating any of the following requirements or provisions of this code shall, upon conviction by a court of competent jurisdiction, be subject to the penalty prescribed therefor:

(a) Illegal contracts. Any person who makes a contract of insurance without complying with the applicable requirements of this code shall be liable to a fine of not more than one thousand dollars for each offense.

(b) Contempt or obstruction. Any person who refuses without justifiable cause, to appear and testify when required to do so under the provisions of KRS 304.037, or who obstructs the commissioner in the discharge of his duty, shall, for each offense, be fined not more than one thousand dollars or imprisoned for not more than one year.

(c) Business without authority. Any insurer that transacts insurance in this state without a certificate of authority as provided for by this *law* [code] shall be fined one hundred dollars for each day it continues to write new business in this state without the certificate. A suit to recover this penalty shall be instituted in the name of the Commonwealth by the Attorney-General in the Franklin Circuit Court, when [ever so] directed by the commissioner.

(d) Business after authority suspended or revoked. Any insurer that writes any new business in this state during the suspension or after revocaiton of its certificate of authority shall forfeit not more than one thousand dollars for each offense.

(e) Annual statement. Any insurer failing to make and file its annual statement with the commissioner as required by this *law* [code], shall be subject to a fine of five hundred dollars for each failure.

(f) Business through local agents. Any person who violates KRS 304.097 shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense.

[(g) Highways contracts. Any insurer violating KRS 304.101, shall, upon conviction, be fined not less than one thousand dollars nor more than five thousand dollars, in the discretion of the jury. Any agent violating KRS 304.101 shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars, in the discretion of the jury.]

*(g)* [(h)] Prohibited fees on investments. Any person who violates KRS 304.448 shall be fined not less than five hundred dollars nor more than one thousand dollars, and confined in the county jail for not less than sixty days nor more than one year, for each offense.

*(h)* [(i)] Deposit requirements. If the Custodian of Insurance Securities or any other person willfully violates any provision of this *law* [code] relating to the deposit of assets by insurers, or willfully fails to keep, deposit, account for or surrender, faithfully, any securities deposited or received, he shall be fined not more than ten thousand dollars. If the offender is the custodian or any other individual, he shall, in addition to

the fine, be confined in the penitentiary for not less than two nor more than ten years.

*(i)* [(j)] Representing unauthorized insurer. Any person who violates KRS 304.580 shall be fined not less than twenty-five dollars nor more than five hundred dollars, or confined in the penitentiary for not more than one year, or both.

*(j)* [(k)] Rate Supervision. Any person violating any provision of KRS 304.600 to 304.644 shall, upon conviction, be fined not more than fifty dollars for each violation, but if such violation is found to be willful such person shall be fined not more than five hundred dollars for each such violation.

*(k)* [(l)] Altering application. Any person who violates KRS 304.654 shall be fined not more than one thousand dollars or confined in the penitentiary for not more than one year, or both.

*(l)* [(m)] Agreement contrary to policy. Any person who violates subsection (2) of KRS 304.667 shall be fined not more than five hundred dollars.

*(m)* [(n)] Unfair discrimination. Any person who knowingly violates KRS 304.931 shall be fined not more than five hundred dollars.

*(n)* [(o)] False statements or reports. Any person whose duty it is to make or file any statement, report or other instrument in writing required by this *law* [code], who knowingly falsifies or fraudulently makes or files such statement, report, or other instrument, shall be imprisoned in the penitentiary for not less than two years nor more than ten years.

*(o)* [(p)] Rebates and illegal inducements. Any person who violates KRS 304.932 or 304.934 shall be fined not more than five hundred dollars.

*(p)* [(q)] Unlawful Boycott, Coercion. Any person who violates KRS 304.926 shall be fined not more than one thousand dollars or confined in the penitentiary for not more than one year, or both.

*(q)* [(r)] "Twisting." Any person who violates KRS 304.942 shall be fined not more than five hundred dollars for each offense.

*(r)* [(s)] Illegal taking of premiums. Any person who violates KRS 304.943 shall be fined not more than one thousand dollars or confined in the penitentiary for not more than one year, or both.

(2) General penalty. Any person who violates any provision of this *law* [code], other than provisions for which specific penalties are provided in subsection (1) of this section, or who knowingly violates any proper order of the commissioner given pursuant to this *law* [code], shall be fined not less than twenty-five dollars nor more than seven hundred and fifty dollars, or confined in the county jail for not less than ten days nor more than thirty days, or both.

(3) The penalties provided in this section shall be in addition to any other penalty or forfeiture provided by this *law* [code] as to any such violation.

Section 244. Subsection (7) of KRS 311.990 is amended to read:

(7) Any person who [shall] presents to the county clerk for the purpose of registration any license which has been fraudulently obtained, or [shall] obtains any license under KRS 311.380 to 311.510 by false or fraudulent statement or representation, or [shall] practices *podiatry* [chiropody] under a false or assumed name or [shall] falsely impersonates another practitioner or former practitioner of a like or different name, or [shall] aids and abets any person in the practice of *podiatry* [chiropody] within the state without conforming to the requirements of KRS 311.380 to 311.510, or [shall] otherwise violates or neglects to comply with any of the provisions of KRS 311.380 to 311.510, shall be fined not less than two hundred and fifty dollars nor more than five thousand dollars or imprisoned in the county jail for not less than three months nor more than twelve months, or both so fined and imprisoned. Each case of practicing *podiatry* [chiropody] in violation of the provisions of KRS 311.380 to 311.510 shall be considered a separate offense.

Section 245. KRS 312.180 is amended to read:

The secretary of the board shall send a written notice to every person holding a valid license to practice chiropractic within

this state at least thirty days prior to the first day of March in each year, directed to the last known address of *the* [such] licensee, and shall enclose with *the* [such] notice proper blank forms for application for annual license renewal. Every person failing to renew his [or her] license after the same is due [shall] automatically forfeits his [or her] license to practice in this state, but may have his [or her] license restored upon the payment of a restoration fee of ten dollars for each delinquent year or any part thereof in addition to the renewal fee of not more than ten dollars, and upon presentation of satisfactory evidence of post graduate study of a standard approved by the state board or upon a showing that he [or she] is an exception as provided for in subsections (1) and (2) of KRS *312.175* [312.180].

Section 246: Section 313.130 of 1964 Supplement to KRS is amended to read:

The board may revoke, suspend or refuse to renew the license of any dentist for any of the following causes:

(1) Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence.

(2) Renting or lending to any person his license or diploma to be used as a license or diploma, or illegally or fraudulently obtaining a license from the board.

(3) Unprofessional conduct or gross ignorance or inefficiency in his profession.

(4) Failure or refusal to comply with the orders of the board issued pursuant to KRS 313.220 [or 313.225].

(5) Addiction to a drug habit.

(6) Chronic or persistent alcoholism.

(7) Physical or mental disability, or other condition, that continued practice would be dangerous to patients or to the public.

Section 247. Section 313.350 of 1964 Supplement to KRS is amended to read:

(1) All fees imposed and collected under the provisions of KRS 313.040 to 313.470 shall be paid to the secretary-treasurer of the board and shall be deposited in the State Treasury to the credit of a revolving fund for the exclusive use of the board. All disbursements by the board in the transactions of its business and in the enforcement of the provisions of this chapter shall be paid out of such revolving fund as claims against the state in accordance with the provisions of KRS Chapter 45.

(2) The board may establish a petty cash fund not to exceed $1,000 for the purpose of making disbursements requiring prompt cash outlay, and to carry out the provisions of KRS *45.360* [42.060 (2)] applying to the delegation of authority to purchase.

Section 248. KRS 314.260 is amended to read:

(1) All fees received by the board collected under KRS 314.200 to 314.270 shall be deposited at the end of each month, with the State Treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the Board of Nursing Education and Nurse Registration Revolving Fund. This fund shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the provisions of KRS 314.200 to 314.270, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state, through surveys, institutes, conferences or such other means as may result in improving nursing service in this state.

[(2) All funds which may have accumulated to the credit of the board under former KRS 314.020 to 314.190 shall be continued for use by the Board of Nursing Education and Nurse Registration in the administration of KRS 314.200 to 314.270.]

Section 249. KRS 318.066 is amended to read:

(1) No license shall be suspended or revoked by the department unless a hearing has been conducted or an opportunity afforded therefor, at which the holder of the license shall have the right to be present in person or by counsel and to present evidence and be heard in his own behalf. The holder of the license shall be given written notice of the hearing at least thirty

days prior to the date thereof. The notice shall state the time and place of the hearing and set forth the ground or grounds for the suspension or revocation in sufficient detail to apprise the holder of the license of the charges preferred against him. Upon failure of the holder of the license to respond to the complaint at or before the time of the hearing thereon, the allegations set forth in the complaint shall be taken by the department as confessed. Proceedings at such hearings shall be in accordance with the rules and regulations of the board.

(2) The department shall appoint and provide for a hearing officer to conduct such hearings. The hearing officer shall have authority to issue subpoenas for the attendance of witnesses and the production of papers and records, administer oaths, schedule hearings and otherwise act in the name and on behalf of the department, but shall not have authority to suspend or revoke licenses. He shall cause to be prepared and shall certify to the department a complete written transcript of the record of each hearing, including all pleas, motions and other papers relating thereto, for consideration and decision by the department. An order of the department suspending or revoking a license shall be effective thirty days after notice of the entry of such order is given the holder thereof.

(3) Each notice required by this section to be given a licensee shall be served by forwarding same by registered mail, postage prepaid, to the holder at his address as it appears in the records of the department.

(4) A licensee aggrieved by an order of the department suspending or revoking a license may, within thirty days after notice thereof, appeal therefrom to the board in the manner provided by KRS *211.090* [311.090] (1) (b). The decision of the board shall be based on the transcript of evidence prepared by the hearing officer.

(5) A person aggrieved by an order of the board suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal therefrom to the circuit court of the county in which the principal office of the department is located by filing a statement of appeal therein together with an appeal bond with good and sufficient surety to secure

the payment of any costs charged against him on the appeal. The cost of preparing and certifying the record shall be paid to the department by the appellant and taxed as costs in the action to be paid as directed by court upon final determination of the action. The appeal shall be determined by the court upon the certified record and no new or additional evidence shall be heard or considered by the court.

(6) Either party aggrieved by a final order entered by the circuit court may appeal to the Court of Appeals as in a civil action.

Section 250. KRS 320.230 is amended to read:

(1) The Kentucky Board of Optometric Examiners shall consist of five practicing optometrists well grounded in the practice of optometry appointed by the Governor from a list containing three names for each appointment recommended by the Kentucky Optometric Association. The members shall serve for a term of four years and until their successors are appointed and have qualified. They shall serve without compensation but shall be reimbursed for actual expenses incurred in the carrying out of their duties under this chapter.

(2) Each member shall be well grounded in the theory and practice of the profession of optometry and shall have been an actual resident and licensed practicing optometrist of this state for not less than five years immediately preceding his appointment to the board. He shall not be in any way connected with or interested in any optometric school, college or institution of learning or optometric supply business.

(3) Any vacancy occurring on the board as the result of a member not completing the term for which he was appointed shall be filled, for the unexpired term, in the same manner as is provided in subsection (1) of this section for the appointment of members.

(4) A majority of the members of the board shall constitute a quorum for the transaction of business.

[(5) Those persons appointed as members of the Kentucky Board of Optometric Examiners under the provisions of

KRS 320.140 shall constitute the board created under the provisions of this chapter and shall serve until the expiration of the term for which they were appointed and until their successors are appointed and have qualified.]

Section 251. KRS 321.320 is amended to read:

All fees and other monies received by the board pursuant to the provisions of this chapter [and pursuant to the provisions of former KRS 321.010 to 321.170] shall be paid to the secretary-treasurer of the board for the use of the board and shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board. No part of this revolving fund shall revert to the general funds of this Commonwealth. The compensation of members of the board and secretary-treasurer of the board and all of the employes of the board and all expenses incurred by the board shall be paid from this revolving fund. No such compensation or expenses shall be charged against the general funds of this Commonwealth. The board shall file an annual report of its activities with the Governor and such report shall include a statement of all receipts and disbursements.

Section 252. KRS 336.020 is amended to read:

[(1)] The department shall be headed by a Commissioner of Labor, and shall be divided for administrative purposes into such divisions as the commissioner, with the approval of the Governor, determines.

[(2) The Commissioner of Labor shall receive a salary of five thousand dollars per annum.]

Section 253. KRS 336.040 is amended to read:

(1) The department shall exercise all administrative functions of the state concerned with employer-employe relationships, including:

(a) Safety of workers; *and*

(b) The Workmen's Compensation Board [;].

[(c) Public Employment Offices; and]

[(d) The Director of Unemployment Compensation.]

(2) The department shall:

(a) Promote friendly and cooperative relations between employers and employes;

(b) Accumulate and publish industrial statistics and aid and encourage the development of new industries and the expansion of existing industries in Kentucky;

(c) Encourage, promote and develop fair practices both by employers and employes; discourage and eliminate as far as practicable all unfair practices by either; and enforce laws relating to unfair practices;

(d) Foster, promote and develop the welfare of both wage earner and industries in Kentucky;

(e) Improve working and living conditions of employes and advance their opportunities for profitable employment; and

(f) Inquire into the causes of accidental injuries and occupational diseases arising out of and in the course of employment, and advance measures for the prevention of [such] accidents and occupational diseases and for the improvement of sanitary conditions in places of employment.

Section 254. KRS 336.090 is amended to read:

(1) The department shall be furnished with a copy of all the laws and rulings of the State Board of Health affecting sanitary conditions in places of employment, not covered by the labor laws of the state, and shall report in writing to the state, county or city health authorities any violations coming under the observation of its inspectors while visiting places of employment in the regular performance of their duty.

(2) The inspectors shall be furnished with a copy of all the laws and rulings of the *Department of Public Safety* [Division of Insurance] relating to fire hazards in places of employment, and shall report in writing to the state, county or city authorities any violations coming under their observation while visiting places of employment in the regular performance of their duty.

Section 255. KRS 341.550 is amended to read:

(1) The division shall maintain a pooled account to which shall be credited:

(a) All worker contributions;

[(b) The emergency amounts diverted from the subject employers' contributions as provided in KRS 341.560;]

*(b)* [(c)] All realized earnings and gains on investments of the fund;

*(c)* [(d)] Except as provided in KRS 341.540, any balance remaining in the reserve account of any previously subject employer after such employer has ceased to be subject to this chapter;

*(d)* [(e)] Any payments into or amounts in the fund not allocable to any employer's reserve account; and

*(e)* [(f)] Any payments collected under subsection (2) of this section.

(2) Any benefits paid through error shall be charged against the pooled account. The repayment of benefits paid erroneously as provided in subsection (1) of KRS 341.415 shall be credited to the pooled account. The pooled account shall be credited with any sums deducted from future benefits as provided in KRS 341.415.

Section 256. KRS 342.450 is amended to read:

Every such insurance carrier shall make an annual return verified by the affidavit of its president and secretary, or other chief officer or agents, to the *Commissioner* [Director of the Division] of Insurance, stating the amount of all such premiums and credits during the period covered by that return. Every insurance carrier required to make such return shall file it with the *Commissioner* [Director of the Division] of Insurance within thirty days after the close of the period covered by it, and shall at the same time pay into the State Treasury a tax of two dollars on each one hundred dollars of such premiums ascertained as provided in KRS 342.445, less returned premiums, including dividends paid or credited to policyholders, and reinsurance re-

ceived from other companies licensed to transact business in this state. [Upon payment the insurer shall file a statement with the Secretary of State.]

Section 257. KRS 351.010 is amended to read:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Approved" means a device, apparatus, equipment, machinery or practice approved by the *Commissioner* [Chief] of the Department of Mines and Minerals;

(b) "*Commissioner* [Chief]" means *Commissioner* [Chief] of the Department of Mines and Minerals;

(c) "Commercial mine" means any coal mine from which coal is mined for sale, commercial use or exchange. This term shall in no instance be construed to include a farm mine where coal is produced for own use;

(d) "Department" means the Department of Mines and Minerals;

(e) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal;

(f) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one-fourth of one percent at the return of any one split;

(g) "Gassy mine" means a mine in which methane has been detected by a flame safety lamp or one in which there is a record of methane having been ignited;

(h) "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine;

(i) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein;

(j) "Nongaseous mine" means any mine not classified as a gassy or a gaseous mine;

(k) "Open-pit mine" shall include open excavations, prospect openings, and open-cut workings for the extraction of coal;

(l) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof;

(m) "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than twenty percent oxygen nor more than one-half of one percent of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust;

(n) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings;

(o) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials;

(p) "Slope" means an inclined opening used for the same purpose as a shaft;

(q) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Section 258. KRS 352.010 is amended to read:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Approved safety lamp" means any bonneted lamp that bears the approval plate of the Federal Bureau of Mines and

is approved by the Department of Mines and Minerals of this state.

(b) "*Commissioner* [Chief]" means *Commissioner* [Chief] of the Department of Mines and Minerals.

(c) "Department" means the Department of Mines and Minerals.

(d) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connection therewith below the surface.

(e) "Tipple or dumping point" means the tipple or structure where coal is dumped or unloaded from the mine car into railroad cars, trucks, wagons or other means of conveyance.

(2) The definitions in KRS 351.010 apply also to this chapter, unless the context requires otherwise.

(3) Except as the context otherwise requires, this chapter applies only to commercial mines as defined in KRS 351.010.

Section 259. KRS 353.510 is amended to read:

As used in KRS 353.500 to 353.720, unless the context otherwise requires:

(1) "Department" means the Department of Mines and Minerals as defined in KRS 351.010;

(2) "*Commissioner* [Chief]" means the *Commissioner* [Chief] of the Department of Mines and Minerals as defined in KRS 351.010;

(3) "Director" means the Director of Oil and Gas Conservation as provided in KRS 353.530;

(4) "Person" means any natural person, corporation, association, partnership, receiver, governmental agency subject to KRS 353.500 to 353.720, trustee, so-called common law or statutory trust, guardian, executor, administrator or fiduciary of any kind;

(5) "Oil" means natural crude oil or petroleum and other

hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;

(6) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined above as oil;

(7) "Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each productive zone of a general structure which is completely separated from any other zone in the structure, or which for the purpose of KRS 353.500 to 353.720 may be so declared by the department, is covered by the word "pool" as used herein;

(8) "Abandoned," when used in connection with a well or hole, means a well or hole which has never been used, or which, in the opinion of the department, will no longer be used for the production of oil or gas or for the injection or disposal of fluid therein;

(9) "Workable bed" means:

(a) A coal bed actually being operated commercially;

(b) A coal bed that the department decides can be operated commercially and the operation of which can reasonably be expected to commence within not more than ten years; or

(c) A coal bed which, from outcrop indications or other definite evidence, proves to the satisfaction of the *commissioner* [chief] to be workable, and which, when operated, will require protection if wells are drilled through it;

(10) "Well" means a borehole drilled, or proposed to be drilled, for the purpose of producing natural gas or petroleum, or one through which natural gas or petroleum is being produced, or a borehole drilled or proposed to be drilled for the purpose of injecting any water, gas or other fluid therein or one into which any water, gas or other fluid is being injected;

(11) "Operator" means any person who proposes to or does locate, drill, operate or abandon any well.

Section 260. Section 365.370 of 1964 Supplement to KRS is amended to read:

(1) The [State] Department of Revenue shall prescribe, adopt, and enforce rules and regulations for the enforcement of KRS 365.260 to 365.380 and [it is empowered to and] may from time to time undertake and make or cause to be made one or more cost surveys for the state or such trading area or areas as it [shall] defines. [and] When each such survey *is* [shall have been] made by or approved by the [said] department it *is* [shall be] permissible to use *the* [such] cost survey as provided in *subsection (2) of* KRS 365.320 [(2)] and *subsection (2) of* 365.360 [(2)].

(2) The department may, upon notice and after hearing, revoke or suspend any license issued under *KRS 138.195* [provisions of KRS 137.040, 137.050, 137.070] and the rules and regulations of *the* [said] department promulgated thereunder, for failure of any person to comply with any provisions of KRS 365.260 to 365.380 or any rule or regulation adopted thereunder.

(3) All of the powers vested in the commissioner and Department of Revenue by the provisions of the Cigarette Tax Law *are* [shall be] available for the enforcement of KRS 365.260 to 365.380.

(4) Any person aggrieved by any decision, order or finding of *the* [said] department, suspending or revoking any such license, may appeal therefrom to the Kentucky Board of Tax Appeals as provided by law by filing a petition of appeal with *the board* [said commission] in the manner and form and within the time and subject to *the* [such] terms and conditions as *the board* [said commission] shall by rules prescribe.

(5) The judgment or order of *the board* [said commission] may be reviewed by a court of competent jurisdiction in the Commonwealth.

Section 261. Section 376.195 of 1964 Supplement to KRS is amended to read:

As used in this section and in *subsection (1) of* KRS *376.210* [376.205]:

(1) "Labor" [shall] includes all work done by teams, trucks, machinery, and mechanical equipment, whether the owner furnishes a driver or operator or not, but it shall not include labor performed by any officer, superintendent or stockholder of any corporation even though he may perform manual labor on the public work;

(2) "Materials" [shall] includes all materials of every kind or character used in the public improvement which shall remain as a part of the completed improvement, and all the materials substantially consumed or the value thereof substantially destroyed in making the public improvement, including explosives, gasoline, oil, grease, form lumber and other similar articles; and,

(3) "Supplies" [shall] includes small tools and equipment reasonably necessary in performing the work required to be done, including picks, shovels, sledge hammers, axes, pulleys, wire cables, ropes, and other similar items costing not more than fifty dollars per item, and tires and tubes furnished for use on vehicles engaged in the performance of the work;

(4) "Supplies" [shall] also includes the cost of labor, materials, and repair parts supplied or furnished for keeping all machinery and equipment used in the performance of the work in good operating condition; and, shall include the agreed or reasonable rental price of equipment and machinery used in performing the work to be done; provided, however, that:

(a) The lien for rental of equipment or machinery shall not be more than the aggregate sum of six months' rental, and the aggregate amount of such rental shall not exceed sixty percent of the agreed value of the machinery or equipment; and

(b) The liens under this subsection *are* [shall be] subordinate to the liens provided for in subsections (1) to (3) of this section [and subordinate to the liens provided for in KRS 376.210 to 376.260].

Section 262. KRS 376.210 is amended to read:

*(1) Any person, firm or corporation who performs labor or furnishes materials or supplies for the construction, maintenance, or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, ex-*

*press or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchises of the owner, except property owned by the state, a subdivision or agency thereof, or by any county or city. If the property improved is owned by the state or by any subdivision or agency thereof, or by any county or city, the person furnishing the labor, materials or supplies shall have a lien on the funds due the contractor from the owner of the property improved. Except as* [hereinafter] *provided in section 376.195, the lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.*

[(1) Any person who performs labor or furnishes materials or supplies for the construction or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, express or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchise of the owner, except property owned by the state or any county or city. If the property improved is owned by the state or by any county or city, the person furnishing labor, materials or supplies shall have a lien on the funds due the contractor from the owner of the property improved. The lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.]

(2) Any person undertaking or expecting to furnish labor, materials or supplies as provided in this section may acquire the lien herein provided by filing in the clerk's office of each county in which he has undertaken to furnish labor, materials or supplies, except as [hereinafter] provided *in subsection (3),* a statement in writing that he has undertaken and expects to furnish labor, materials or supplies and the price at which they are to be furnished, and the lien for labor, material or supplies furnished thereafter shall relate back and take effect from the date of the filing of the statement. In all cases of original construction *the* [such] liens shall be prior to all liens theretofore or thereafter created on the part so constructed and on no other part.

(3) In all cases where the labor, materials or supplies are furnished for the improvement of any public highway or other

public property owned by the state or by any county or city, the statement [herein provided for] shall be filed in the county clerk's office of the county in which is located the seat of government of the owner of the property improved, and the lien shall attach only to any unpaid balance due the contractor for the improvement from the time a copy of the statement, attested by the county clerk, is delivered to the owner or the owner's authorized agent with whom the contract for improving the public highway or other public property was made.

Section 263. KRS 383.030 is amended to read:

(1) *If* [When] any person is liable for rent due not later than one year thereafter, whether payable in money or some other thing, the person to whom the rent is owing or his agent or attorney may file an affidavit before a justice of the peace, police judge or a judge of the quarterly court of the county in which the tenement lies, stating that there are reasonable grounds for belief, and that he does believe, that unless an attachment is issued he will lose his rent. That officer shall then issue an attachment for the rent against the personal property of the person liable for the rent, to any county the person suing out the attachment may desire. But [,] the attachment shall not issue until the plaintiff has given bond, with good surety, to indemnify the defendant should it appear that the attachment has been wrongfully obtained.

(2) Attachments for rent issued for a sum of fifty dollars or less, exclusive of interest and costs, shall be returned before the officer issuing the attachment. Those for a sum exceeding fifty dollars and not exceeding two hundred shall, at the option of the party attaching, be returned before either the quarterly or circuit court of the county whence it issued; and, if over two hundred dollars, to the circuit court; and in either case the proceedings thereon shall be the same as on other attachments according to *KRS Chapter 425 and the Rules of Civil Procedure* [the Civil Code].

(3) The defendant may deny the tenancy or his liability to pay rent, as stated in the affidavit. He may repossess himself of the property by executing bond in a manner similar to that prescribed in *KRS Chapter 425* [the Civil Code], subject to

similar proceedings if forfeited, as is prescribed by *KRS Chapter 425 and the Rules of Civil Procedure* [the Civil Code] on such a bond.

Section 264. KRS 383.080 is amended to read:

(1) If, after the commencement of any tenancy, a lien is created on the property upon the leased premises liable for rent, the party making or acquiring the lien may remove the property from the premises only after paying to the person entitled to the rent so much as *is* in arrears, and securing to him so much as to become due; what is so paid and secured not being more altogether than rent for the period of time for which the landlord has a lien under KRS 383.070.

(2) If the property is taken under execution or attachment, the officer shall, out of the proceeds of the property found on *the* leased premises and levied on or taken by him, make payment of the rent payable in money; in an amount equal to that for which the landlord has a lien under KRS 383.070, unless a bond of indemnity *is* [be] executed. The plaintiff in the execution or attachment may compel a sale of the property under his process by executing to the officer a bond of indemnity such as provided for in *KRS Chapter 425* [the Civil Code], and the remedy provided in *KRS Chapter 425 and the Rules of Civil Procedure* [it], on a bond of indemnity, shall operate in favor of the person to whom the rent is payable or other claimant of the property on the bond.

(3) All valid liens upon the personal property of a lessee, assignee, or under-tenant, created before the property is carried upon the leased premises, shall prevail against a distress warrant or attachment for rent.

Section 265. KRS 389.055 is amended to read:

[(1) In the action mentioned in subsection (1) of KRS 389.020, neither the bond nor the privy examination provided for in this chapter shall be required.]

[(2)] If the share of a joint owner *is* [be] of less probable value than one hundred dollars, a sale of it may be ordered,

though the owner of a share worth more than one hundred dollars may not consent to a sale.

Section 266. KRS 391.030 is amended to read:

(1) Where any person dies intestate as to his personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration and debts, shall pass and be distributed among the same persons, and in the same proportions, to whom and in which real estate is directed to descend, except as follows:

(a) The personal estate of an infant shall be distributed as if he had died after full age.

(b) An alien may be a distributee or though he were a citizen.

(c) Personal property or money on hand or in bank to the amount of $1500 shall be exempt from distribution and sale and shall be set apart by the appraisers of the estate of an intestate to his widow and infant children, or, if there is no widow, to his infant children surviving him. The widow of any deceased person may, at any time before the appraisers and the administrator of his estate are appointed, procure on petition from the judge of the county court having jurisdiction over administration of his estate, an order authorizing her to withdraw from any bank or other depository or depositories not exceeding $500 belonging to the estate of the deceased. Upon presentation of *the* [said] order, [any such] *the* bank or depository shall permit her to withdraw *the* [said] sum and shall lodge *the* [said] order, endorsing thereon the amount withdrawn, with the clerk of *the* [said] county court, and he shall deliver it to the appraisers when they are appointed, who shall treat the same as a charge against the property of the estate exempt from distribution. A like amount of $1500 of property or cash shall be exempt from distribution and sale and shall be set apart by the appraisers to the surviving infant children of a widow who dies intestate.

(2) The appraisers shall state in their appraisement the money or the articles and value of each, set apart by them to the widow or infants, separately from the articles appraised for sale. If the widow or anyone authorized by her in writing is

present at the time of the appraisement, she may make her selection out of the property appraised to the amount of *$1500* [$750] and the appraisers shall so report.

(3) This section applies to cases where the husband dies testate and the widow renounces the provisions of the will as provided by KRS 392.080.

Section 267. KRS 393.090 is amended to read:

Except as otherwise provided in KRS 393.010, all intangible property, not otherwise covered by this *chapter* [Act], including any income or increment thereon and deducting any lawful charges, that is held or owing in this state by any person and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

Section 268. KRS 395.145 is amended to read:

At the time of appointment of a fiduciary, he may designate an attorney who will represent him in matters relating to the trust, and when so designated notices to such fiduciary shall also be sent by the court to such attorney [, but no fiduciary shall be required to be represented by attorney].

Section 269. KRS 405.090 is amended to read:

In every county having a population of two hundred thousand or more there shall be a supervisor of parents who are charged with the crime of willful desertion or abandonment of indigent children under sixteen years of age. The supervisor shall be a male resident of the county, over twenty-one years of age, and shall be appointed for a term of four years by the *judges* [judge] of that branch of the circuit court that has criminal jurisdiction, but may be removed at any time by *such judges* [that judge].

Section 270. KRS 413.110 is amended to read:

(1) A cause of action existing against a county by virtue of its bonded obligation for the payment of money, after the county has in good faith offered to redeem *the* [such] obligations that have matured by the payment in full of all principal and

interest due, [shall] expires and becomes ineffective at the end of three years after the offer.

(2) A cause of action for payment of any warrant of the Commonwealth [shall] expires and becomes noneffective unless brought within two years after the Commonwealth has in good faith offered to redeem the warrant by payment in full of all interest and principal due. [, or within two years from June 1, 1942, whichever is the longer period.]

Section 271. KRS 416.280 is amended to read:

(1) Within thirty days from the date of a judgment authorizing the petitioner to take possession of the land or material an appeal may be taken to the circuit court by either party or both parties by executing bond as required in other cases, and by filing with the clerk of the circuit court a certified copy of the judgment, a statement of the parties to the appeal and a statement of the grounds of appeal, which grounds shall contain any exceptions the appellant has to the award made by the commissioners. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. The statement of grounds of appeal of either party may be amended as provided in the *Rules of Civil Procedure* [Civil Code] for the amendment of a pleading. The appeal shall be tried de novo but shall be limited to the questions which are raised in the original statements of the grounds of appeal, or as amended, but the owner shall not be permitted to raise any question, nor shall the court consider any question so raised, concerning the right of the petitioner to condemn the property, unless the owner filed an answer or other pleading in the county court raising that issue. All questions of fact pertaining to the amount of compensation to the owner, or owners, shall be determined by a jury, which jury may be sent by the court, in the charge of the sheriff, to view the land and material. Upon an appeal to the circuit court and after a jury trial therein, and if possession previously has not been taken by the condemnor of the land and material condemned, it may do so upon the payment to the owner, or to the clerk of the

circuit court if the owner refuses to accept it, the amount of the compensation adjudged by the circuit court to be due the owner and by paying such costs as are required to be paid by the condemnor under the provisions of subsection (5) of this section.

(2) Within thirty days from the date of a judgment dismissing a petition, an appeal may be taken to the circuit court by the petitioner by executing bond as required in other cases and by filing with the clerk of the circuit court a statement of the parties to the appeal and a certified copy of the judgment. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. Upon reasonable notice to the owner, such an appeal shall be tried at the earliest convenience of the court without the intervention of a jury, at any regular or special term or by the judge in vacation. At such trial, either party may present evidence relating to the right of the petitioner to condemn the land and material sought to be condemned. If the judge of the circuit court finds that the petitioner has the right to condemn said property, the case shall not be remanded but the judge or court shall enter an order setting forth his findings and authorizing the petitioner to take possession of the lands and materials for the purposes and under the conditions and limitations set forth in the petition upon the payment to the owner, or to the clerk of the circuit court if the owner refuses to accept it, the amount of the compensation awarded by the commissioners in their report to the county court. Within thirty days from the date of the order of the circuit court authorizing the petitioner to take such possession, either party may file exceptions to the award of the commissioners. If no exceptions to the award are filed, the court, on motion of the condemnor, shall enter a final judgment in the case. If either party files exceptions pertaining to the amount of the award, the issues of fact shall be tried by a jury in the circuit court in course as though on appeal from a judgment of the county court.

(3) Appeals may be taken *to* [at] the Court of Appeals from the final judgment of the circuit court as in other cases

except that an appeal by the owner shall not operate as a supersedeas.

(4) The payment by the condemnor of the amount of compensation awarded and the taking possession of the lands and material condemned shall not prejudice its right to appeal from the judgment of any court, nor shall the acceptance by the owner of the amount of the compensation awarded prejudice his right to appeal from the judgment of any court.

[(5) If the owner, on his appeal from a judgment authorizing the condemnor to take possession of the property condemned, fails to increase the amount of compensation awarded to him, he shall pay all costs of the appeal. If the condemnor, on its appeal from such a judgment fails to decrease the amount of compensation awarded to the owner, the condemnor shall pay all costs of the appeal.]

*(5)* [(6)] If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter increased upon an appeal, the condemnor shall pay interest to the owner at the rate of six percent per annum upon the amount of such increase from the date the condemnor took possession of the land and material. If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter decreased upon an appeal, the condemnor shall be entitled to a personal judgment against the owner for the amount of the decrease plus interest at the rate of six percent per annum from the date the condemnor paid the amount of compensation into court or to the owner.

*(6)* [(7)] Upon the final determination of an appeal, the circuit court shall make such orders as may be proper for the conveyance of the title, to the extent condemned, to the land and material.

Section 272. KRS 418.050 is amended to read:

*Any action in which* [Declarations of rights and determination of questions of construction, as herein provided for, may be obtained by means of proceedings at law or in equity, or by means of a petition on either the law or equity side of the court, as the nature of the case may require; and insofar as] a declara-

tion of rights *or determination of questions of construction* is the relief asked, [the case] may be docketed for early hearing as in the case of a motion.

Section 273. KRS 432.070 is amended to read:

In any prosecution under KRS 432.020 to 432.060, no witness may claim privilege or exemption on the ground that his testimony may incriminate him, but may be required to testify for the Commonwealth. However, no testimony given by him shall be used against him in any prosecution except for perjury, and he shall be discharged from any liability for any violation of KRS 432.020 to 432.060 necessarily disclosed in his testimony. The provisions of *the Rules of Criminal Procedure relating to corroboration of the testimony of an accomplice do* [section 241 of the Criminal Code shall] not apply in any such prosecution.

Section 274. KRS 439.080 is amended to read:

(1) The city legislative body of a city of the second class may by ordinance provide that a member of the regular police force of the city, to be designated by the police court, be assigned to perform, without additional pay, the duties described in subsection (3).

(2) If a city of the second class does not comply with subsection (1), the police court of the city shall appoint a probation officer, whose salary shall be fixed by the police court. [at not less than $1,200 nor more than $1,800 per year.] The salary shall be paid out of the fines and forfeitures imposed and collected by the police court, and no part of his salary shall be otherwise paid by the city.

(3) The probation officer shall act in cooperation with the police department of the city, see that probated offenders do not violate the law during their term of probation, check the circumstances of the case to be probated and the character of the defendant and do any other duty properly requested by the court. The probation officer shall have all powers now conferred upon police officers.

Section 275. KRS 439.250 is amended to read:

As used in KRS 439.250 to 439.560, unless the context requires otherwise:

(1) ["Commissioner of Welfare" or] "Commissioner" means the Commissioner of Corrections;

(2) ["Department of Welfare" or] "Department" means the Department of Corrections;

(3) "Director" means the Director of the Division of Probation and Parole;

(4) "Division" means the Division of Probation and Parole;

(5) "Board" means the parole board created by KRS 439.320 [;].

[(6) "Conditional releasee" means any person released under the provisions of KRS 197.045.]

Section 276. KRS 441.180 is amended to read:

[Except as provided in KRS 150.990,] *P*risoners placed at hard labor shall be permitted to satisfy their fines and costs at the rate of two dollars per day; they shall not be required to labor more than eight hours a day, and may at any time pay or replevy the fine and costs, or whatever part thereof remains unpaid after receiving credit of two dollars for each day worked in payment thereof. Managers shall keep the time of prisoners and release them when their time expires, except that any prisoner who pays the fine and costs not worked out shall be released from custody upon order of the court that committed him.

Section 277. KRS 446.010 is amended to read:

As used in the statute laws of this state, unless the context requires otherwise:

(1) "Action" includes all proceedings in any court of this state;

(2) "Attorney" means attorney at law;

(3) "Bequeath" and "devise" mean the same thing;

(4) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;

(5) "Cattle" includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex;

(6) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company or association;

(7) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company or association;

(8) "Directors," when applied to corporations, includes managers or trustees;

(9) "Domestic," when applied to corporations, means all those incorporated or formed by authority of this state;

(10) "Federal" refers to the United States;

(11) "Foreign," when applied to corporations, includes all those incorporated or formed by authority of any other state;

(12) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;

(13) "Land" or "real estate" includes lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest;

(14) "Legatee" and "devisee" convey the same idea;

(15) "Magistrate" includes county judge, police judge and justice of the peace;

(16) "May" is permissive;

(17) "Month" means calendar month;

(18) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;

(19) "Peace officer" includes sheriffs, constables, coroners, jailers, marshals, policemen and other persons with similar authority to make arrests;

(20) "Penitentiary" includes all of the state penal institutions except the houses of reform;

(21) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships and joint stock companies;

(22) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;

*(23) "Regular election" means the election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected.*

*(24)* [(23)] "Shall" is mandatory;

*(25)* [(24)] "State" when applied to a part of the United States, includes territories, outlying possessions and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;

*(26)* [(25)] "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;

*(27)* [(26)] "United States" includes territories, outlying possessions and the District of Columbia;

*(28)* [(27)] "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;

*(29)* [(28)] "Violate" includes failure to comply with;

*(30)* [(29)] "Will" includes codicils; "last will" means last will and testament;

*(31)* [(30)] "Year" means calendar year; and

*(32)* [(31)] "City" includes town.

Section 278. KRS 447.153 is amended to read:

[The Civil Code Committee, created by Chapter 151, Acts of 1950, shall continue as constituted until July 1, 1953. Thereafter,] *T*he Court of Appeals shall appoint an advisory committee composed of representative judges and attorneys *which* [. Such committee] shall perform advisory duties in connection with the promulgation of [the] rules and amendments thereto as [may be] directed by the Court of Appeals. [, and] *T*he advisory committee shall be considered a part of the Judicial Council for budgetary purposes.

Section 279. KRS 447.154 is amended to read:

No Act repealing or modifying [any section of the Civil Code of procedure or] any statute shall be construed by implication to limit the right of the court to promulgate rules from time to time or to supersede, modify or amend any rule so promulgated. Nor shall KRS 447.151 to 447.157 be construed to limit in any manner the power of the Court of Appeals to make rules governing practice and procedure in the Court of Appeals.

Section 280. KRS 447.157 is amended to read:

The printing and distribution of any rules proposed or promulgated under KRS 447.151 to 447.157 shall be provided for [by the Civil Code Committee and the Statute Revision Commission jointly, and after the Civil Code Committee ceases to exist,] by the *Legislative Research Commission* [Statute Revision Commission alone], with the advice and under the direction of the Court of Appeals. Any such printing shall be governed by KRS *7.120* [447.090].

Section 281. KRS 453.180 is amended to read:

[(1) There shall be taxed as costs in the Court of Appeals sixty-five cents for each person upon whom a notice or summons is served by the Sergeant at Arms, the same fees allowed to sheriffs for similar services for all other services performed by the Sergeant at Arms, and three cents for every mile necessarily traveled in the execution of any summons or similar process out of the county in which the court is held. If more than one

defendant is included in the same process, and resides or is found on or near the same route, mileage shall be charged only for the one most remote. The Court of Appeals may allow mileage to be taxed as costs against a party who did not order process to be directed to the Sergeant at Arms.]

[(2)] In all cases in the Court of Appeals in which it is the duty of the Attorney-General to represent the state and the state is the successful party there shall be taxed as costs and paid into the State Treasury twenty dollars.

Section 282. A new section is created to read:

(1) In any edition of Kentucky Revised Statutes or supplement thereto hereafter published, the Reviser of Statutes may substitute the name of any agency, officer or instrumentality of the Commonwealth or of a political subdivision whose name is changed by law or to which powers, duties and responsibilities have been transferred by law, for the name which the agency, officer or instrumentality previously used or of the agency which was previously vested with the same powers and charged with the same duties and responsibilities.

(2) Upon the publication of the next edition of Kentucky Revised Statutes the Reviser of Statutes shall substitute therein the term "Rules of Civil Procedure" for "Civil Code", "Civil Code of Procedure" and like references, and the term "Rules of Criminal Procedure" for "Code of Practice in Criminal Cases" and like references wherever those terms appear.

Section 283. The following KRS Sections are repealed:

2.160, 2.170, 2.180, 2.991, 7.150, 16.180, 17,020, 17.030; subsections (1), (2), (3) and (4) of 18.250; 24.052, 24.175, 24.176, 24.177; subsections (2) and (3) of 28.450; 36.060; subsections (2), (3), (4), (5), and (6) of 42.990; 44.170, 57.990, 61.370, 64.560, 64.670, 64.680, 64.700, 64.750, 67.065, 69.050, 69.115, 76.220, 78.010 to 78.140, 80.730 to 80.842, 90.240, 95.425, 97.415, 97.445, 100.098, 116.015, 117.755, 117.890, 132.560, 133.015, 134.530, 136.230, 136.250, 136.260, 137.200 to 137.250, 150.026, 151.050, 160.610, 160.620, 160.630, 162.110, 175.005 to 175.320, 181.060 to 181.290, 186.015, 186.175, 186.275 to 186.285, 189.012,

199.880, 200.500, 203.005, 205.090 to 205.150, 205.325, 205.620, 210.250, 218.250, 230.150, 230.160, 230.170, 243.595, 246.300, 248.020 to 248.270, 278.501, 281.840; subsection (2) of 287.990; 288.650, 303.120, 303.124, 318.056, 324.280, 339.460, 342.002, 342.006 to 342.009; subsection (7) of 342.990; 350.026, 351.021, 376.205, 381.445, 395.090, 405.130, 411.160, 427.126; 446.180, 446.210, 447.010, 447.020, 447.150, 447.155; 1946, c. 42; 1946, c. 90, § 1; 1948, c. 118; 1948, c. 180, § 1; 1950, c. 13; 1950, c. 181; 1954, c. 86; 1956, c. 113; 1960, c. 49; 1962, c. 210, §§ 28 to 39; 1964, c. 73, § 2; 1964, c. 77; 1964, c. 125; 1964, c. 184, § 3.

**HB 194**, AN ACT relating to business trusts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. *Definition of business trust.* A business trust is an express trust created by a written declaration of trust whereby property is conveyed to one or more trustees, who hold and manage some for the benefit and profit of such persons as may be or become, the holders of transferable certificates evidencing the beneficial interest in the trust estate. For the purposes of this act, business trusts shall include but are not limited to "Real Estate Investment Trusts" as defined by and which comply with the Federal Internal Revenue Code of 1954 as amended or such section or sections of any subsequent Internal Revenue Code as may be applicable to Real Estate Investment Trusts.

Section 2. *Establishment; lawful purposes.* A business trust may be established by a declaration of trusts, duly executed by one or more trustees, for any lawful purpose including, but not limited to, acquiring, managing, improving, leasing, dealings in, selling, or otherwise alienating, mortgaging, or otherwise encumbering, real and personal property of all kinds and descriptions, including dealing in, purchasing, holding, selling and exchanging stocks, bonds, mortgages, deeds of trust and other securities of all kinds and descriptions; receiving the income, dividends, rents, profits, and returns therefrom, and investing same or distributing same to the beneficial owners of the trust in accordance with the terms of the declaration of trust.

Section 3. *Powers and liabilities of trustees; liability of trust for acts of trustees.* The trustees shall hold the legal title to all property at any time belonging to the business trust. They shall have control over such property as well as the control and management of the business and affairs of the business trust. Liability to third persons for any act, omission or obligation of a trustee of a business trust, when acting in such capacity shall extend to the whole of the trust estate, or so much thereof as may be necessary to discharge such obligation, but no trustee shall be personally liable for any such act, omission or obligation unless said act, omission or obligation constitute fraud or bad faith. The Trustee shall have such powers as to the investment of the trust estate as may be set out in the declaration of trust without regard to the type of investments to which trustees generally are restricted by the laws of the Commonwealth of Kentucky.

Section 4. *Certificates of ownership; liability of beneficial owners.* The beneficial ownership in a business trust shall be evidenced by certificates issued by the trustees. These certificates shall be transferable in the same manner as stock certificates of a corporation are transferable. No assessment shall be made against the interest of any beneficial owner and no beneficial owner shall be personally liable for any debts or liabilities incurred by the trustees or by the business trust.

Section 5. *Legality of foreign business trusts.* Any business trust which exists under the laws of any foreign state and which are valid in said state shall be valid in the Commonwealth of Kentucky if they comply with the terms of this act. No beneficial owner of certificates in a foreign business trust shall have his interests therein assessed and no beneficial owner of a foreign trust shall be personally liable for any debts or liabilities incurred by the trustees or by the foreign business trust after the effective date of the enactment of this act.

Section 6. *Contents and recordation of declaration of trust.* The written declaration of trust may provide for the election of successor trustees in the event of the death, resignation and removal of a trustee and may provide for the amendment of said declaration of trust. The declaration of trust may also contain

such other provisions regarding the operation and administration of the business trust as may be necessary or desirable.

The declaration of trust shall be recorded in the office of the Secretary of State of the Commonwealth of Kentucky and in the office of the Judge of probate in the county in which its principal place of business is located and a recording charge of $_____ shall be paid at each of said offices.

Section 7. *Duration of busines trust; rules against perpetuities and restraint of alienation not violated.* A business trust shall not be deemed invalid as violating the rule against perpetuities or the law against suspension of the powers of alienation. Such trust may continue for such time as may be necessary to accomplish the purposes for which it may be created, provided the declaration of trust contains a provision that such trust may be terminated at any time by action of the trustees or by the vote of a specified percentage in interest of the beneficial owners thereof as set forth in the declaration of trust.

Section 8. (1) *How business trust sued.* A business trust may be sued for debts and other obligations incurred by the trustees in the performance of their duties under the declaration of trust, and for any damages resulting from the negligence of such trustees and its property shall be subject to attachment and execution in like manner as if it were a corporation.

(2) Any foreign business trust doing business in this state must file with the Secretary of State of the Commonwealth of Kentucky the name of its agent in this state upon whom process may be served in any civil action instituted in the courts of this state.

Section 9. *How income of trust taxed.* The income of a business trust shall be taxed as a business corporation in the manner now or hereafter provided by law.

The Committee on Judiciary and Judicial Council reported **HB 122** and **HB 170** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 122**, AN ACT relating to the replevy of judgment or fine.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 426.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person against whom a judgment for money is rendered, except as provided in KRS 426.470, may, if an execution thereon has not been placed in the hands of a collecting officer, replevy the judgment for three months before the circuit court clerk or the judge of the inferior court entering the judgment, by giving bond with good surety to be approved by the officer. [If any person be confined in jail for the nonpayment of a fine, he may, in like manner, replevy the judgment of the fine by bond before the circuit clerk.]

(2) *Any person against whom a judgment imposing a fine has been entered, or any person confined in jail for the nonpayment of a fine, may replevy the fine for three months before the circuit court clerk or the judge of the inferior court entering the judgment, by giving bond with good surety to be approved by the officer taking the bond. If the bond is not paid at maturity the Court in which the judgment imposing the fine was entered may issue a capias pro fine against the principal or may enforce the judgment by execution on the replevin bond against the surety for satisfaction of the bond, interest and costs, or any part thereof remaining unpaid.*

(3) The bond, varied to suit the particular case, may be in substance as follows: "This day the defendant AB, together with CD, his surety [came] *come* before [me, as] *the* Clerk of the _____ Court, or before [me] the presiding quarterly, city or police judge or justice of the peace of _____ County, and [undertook] *undertake* that they will [would] satisfy and pay EF [his] *or the Commonwealth of Kentucky, the* judgment, including interest, if any, and costs amounting to $_____, [dollars] rendered [in his favor] against [the said] AB, by this Court, within three months, with legal interest on the whole amount thereof from this date."

**HB 170**, AN ACT relating to recording of instruments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 382.110 is amended to read:

(1) All deeds, mortgages and other instruments required by law to be recorded to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located.

(2) No county clerk or deputy county clerk shall admit to record any deed or conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the next immediate source from which the grantor derived title to the property or the interest conveyed therein.

(3) If the source of title is a deed or other recorded writing, the deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by inheritance or in any other way than by recorded instrument or writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

(4) If the title to the property or interest conveyed is obtained from two or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the manner provided in subsections (2) and (3), and shall show which part of the property, or interest therein, was obtained from each of the sources.

*(5) When a deed, or other written instrument as set forth in subsections (1) and (2) above, refers to a recorded plat, such instrument shall give the office, book and page where recorded.*

*(6)* [(5)] No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.

*(7)* [(6)] No clerk or deputy clerk shall be liable to the

fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed, nor because of the omission of a reference required by law where it does not appear on the face of such deed that the title to the property or interest conveyed was obtained from more than one source.

*(8)* [(7)] This section does not apply to deeds made by any court commissioner, sheriff or by any officer of court in pursuance of his duty as such officer, nor to any deed or instrument made and acknowledged before March 20, 1928. No deed shall be invalid because it is lodged contrary to the provisions of this section.

The Committee on Education reported **HB 89** with Committee amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 89,** AN ACT relating to the establishment of a secondary school for the education of exceptionally talented but culturally and economically deprived children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of Chapter 166 of the Kentucky Revised Statutes is created to read as follows:

(1) The state institution formerly designated as Lincoln Institute, and located in Shelby County, Kentucky, shall hereafter be established, utilized, and maintained as a secondary school for the education of exceptionally talented but culturally and economically deprived children of the Commonwealth of Kentucky (said school shall hereinafter be referred to as "the School"). All appropriations heretofore or hereafter made to Lincoln Institute and all records, facilities, and other properties, both real and personal, of every nature whatsoever which were held or owned or the use of which was otherwise enjoyed by Lincoln Institute are transferred to the governing body of the School.

Section 2. A new section of Chapter 166 of the Kentucky Revised Statutes is created to read as follows:

(1) The government of the School shall be vested in a governing body (hereinafter referred to as "the Board") which shall be a body corporate, constituting a public corporation and governmental agency and instrumentality of the Commonwealth. The Board shall have the power in its name to contract and be contracted with, to sue and be sued, to have and use a corporate seal, to adopt by-laws for the governing of its affairs, to acquire and dispose of real and personal property pursuant to KRS 45.360, and to exercise the powers and functions specifically stated in this Act. The School shall be designated with any name, for official purposes, which the Board shall deem desirable and appropriate, with the approval of the Governor.

(2) Members of the Board, of which there shall be seven, shall be appointed in the following manner for terms beginning on January 1, 1966:

(a) The Board of Trustees of the University of Kentucky and the Board of Regents at Kentucky State College shall each appoint three members to the Board as follows: one each for a term of one year; one each for a term of two years; and one each for a term of three years. Thereafter all such appointments shall be made for a term of three years by the respective boards within thirty days after the expiration of any term of any member.

(b) The State Board of Education shall appoint one member to the Board for a term of three years.

(3) Each member of the Board shall serve for the term for which he is appointed and until his successor is appointed.

(4) Appointments to fill vacancies on the Board shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired portion of the term only.

(5) The chairmanship of the Board shall alternate each year between members named by the University of Kentucky Board of Trustees, and members named by the Kentucky State College Board of Regents, with the Board of Trustees at the University of Kentucky designated one of its three appointees to serve as the first Chairman of the Board for a twelve month

period beginning on January 1, 1966. Beginning on January 1, 1967, one of the members appointed by the Kentucky State College Board of Regents shall be designated by the Regents to serve as Chairman for a twelve month period.

(6) The Board shall meet, at a place designated by the Chairman, not less frequently than quarterly, and otherwise as often as may be necessary for the proper and timely performance of the functions and powers herein conferred upon it. Special meetings may be called by the Chairman, or the Chairman shall call a special meeting at a place designated by him upon written request of two members of the Board. At such special meetings the Board may transact any or all business that it may transact at a regular meeting. Four members of the Board shall constitute a quorum for the transaction of business.

(7) The Board shall hold its first meeting within thirty days after the members have been appointed at a place designated by the Chairman. At this meeting there shall be elected a vice-chairman and a secretary for the Board. Full minutes and records shall be kept of all meetings of the Board, and all official actions of the Board shall be recorded therein.

(8) The members of the Board shall receive no compensation for their services in that capacity, but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in connection with the performance of their duties and functions as Board members.

(9) The Board shall prescribe the qualifications, which shall be uniform in application, for admission to the School, and shall prescribe the rules and regulations governing its conduct and administration.

(10) The Board shall ensure that the opportunity to attend the School shall be made available on a uniform basis to all qualified children of the Commonwealth.

(11) The Board shall contract with the University of Kentucky for the operation of the School. The University of Kentucky may contract with other educational institutions in the Commonwealth to provide the professional, technical, or administrative services necessary to the operation of the School.

Committee amendment to **HB 89** is as follows:

Amend printed copy of House Bill 89 by:

Page 1, line 3–delete "(1)".

and on

Page 4, line 24, by inserting the following additional section:

"Section 3. KRS 166.190 is repealed. The Board duly appointed and constituted pursuant to Section 2 of this Act shall, as soon as practicable, officially assume, by appropriate action at a regular or special meeting, the responsibility for any funds and all records, facilities, and other properties, both real and personal, of every nature whatsoever which are deemed to be transferred to said Board pursuant to the provisions of Section 1 of this Act. It is the intent of this section that the Board of Regents of Kentucky State College shall be responsible for the custody and maintenance of all such funds and properties until the said Board to be appointed pursuant to Section 2 of this Act is ready, willing, and able to perform the functions and powers conferred upon it by this Act."

The Committee on Higher Education reported **HB 96** and **HB 238** with the expression of opinion that the same should pass.

Read at length for the first time and ordered placed in the Calendar.

**HB 96**, AN ACT relating to printing by the University of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of Chapter 57 of the Kentucky Revised Statutes is created to read as follows:

The University of Kentucky, a state educational institution of higher learning which has an established printing plant therein and which is engaged in the publication of scholarly works as a related educational activity, may engage in the usual activities related to editing and publishing such scholarly works, including the printing thereof, for persons, or entities, engaged in any phase of higher education or related activities.

**HB 238**, AN ACT relating to higher education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 164.100 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a Council on Public Higher Education in Kentucky, to be composed of *nine lay members appointed by the Governor and of the president or chief executive officer of each four-year state institution of higher education in the state. The nine lay members shall constitute the voting membership of the Council. They shall be appointed for regular terms of four years, with the initial appointment of two members for one year, three members for two years, two members for three years and the remaining two members for four years. Any person holding either an elective or appointive state office or who is a member of the governing board of any state or private college or university in Kentucky shall be ineligible for membership or appointment on the Council during his membership or term of office.* [the president or chief executive officer of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College and Kentucky State College; a member other than the Superintendent of Public Instruction, of the board of regents of each of the state colleges to be selected by the board of regents of each state college; three appointive members of the board of trustees of the University of Kentucky to be selected by the board of trustees of the university; two lay members of the State Board of Education to be selected by the State Board of Education; the dean of the College of Education of the University of Kentucky; the Superintendent of Public Instruction, who shall be chairman of the council; and three additional lay members from the state-at-large to be appointed by the Governor for regular terms of four years. The initial appointment of these three lay members shall be for terms of two-three and four years respectively.] When the council meets to consider curricula for teacher education, three persons who are from accredited institutions of higher learning, and who have been appointed by the Executive Committee of the [Association of] Kentucky *Association of Colleges, Secondary and Elementary Schools,* shall be invited to meet with

the Council in an advisory capacity. [Unexcused absences from two consecutive meetings of the council shall be cause for disqualification of council members.]

Section 2. Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) *Engage in analyses and research to determine the overall needs of higher education in the Commonwealth* [Coordinate the work and determine the curricular offerings of the state institutions of higher learning in Kentucky, on the basis of efficiency and economy].

(2) *Develop and transmit to the Governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute.*

(3) [2] Determine the amount of entrance and/or registration fees and *approve* the qualifications for admission to [each] *the public institutions of higher education* [and such institutions]. *In determining the entrance and/or registration fees for non-Kentucky residents, the Council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions.*

(4) [3] Consider the [budgetary] requirements *and review the budget requests of the institutions of public higher education* [of each of such institutions and, on the basis of the needs of the various institutions as indicated by the individual budgets submitted, recommend to the Department of Finance a budget covering the needs of the institutions] *as to their appropriate level of support considering the functions of the institutions and the anticipated available resources for higher edu-*

*cation. The individual institutions' budget requests, including tuition and/or registration fee schedules for all categories of students, along with Council recommendations, shall be submitted to the Governor through the Department of Finance not later than November 15 of each odd numbered year.*

(5) [4] Require such reports from the executive officer[s] of each of such institutions as it deems necessary for the effectual performance of its duties.

(6) [5] Publish *annually* [at least biennially] a report of the educational and financial affairs of *the* [such] institutions *and disseminate other information relating to higher education.*

(7) *Approve all new professional schools and review and make recommendations to the Governor regarding proposed new community colleges and four-year colleges.*

(8) *Approve curricula for teacher education.*

(9) [6] Elect a *chairman annually from the voting membership* [secretary on the recommendation of the chairman]. The Council shall *appoint* [elect] an executive director and such staff as may be necessary, [as representatives of the Council]; and their salaries shall be determined in the same manner as other state employes.

(10) *Shall constitute the representative agency of the Commonwealth in all matters of higher education of a general and state-wide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.*

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The University of Kentucky shall provide:

(a) Baccalaureate programs of instruction;

(b) Graduate programs of instruction at the masters, doc-

toral, and post-doctoral levels, including joint programs beyond the masters level in cooperation with other institutions of higher education in the state;

(c) Professional doctoral instruction including law, medicine, education, engineering, and dentistry; and

(2) The University of Kentucky shall continue to be the principal state institution for the conduct of statewide research and service programs.

(3) The University of Kentucky is authorized to provide programs of a Community College nature in its own community comparable to those listed for the Community College System, as provided by this chapter.

Section 4. Section 164.290 of the Kentucky Revised Statues is amended to read as follows:

(1) *The state colleges now designated as Eastern Kentucky State College, Morehead State College, Murray State College, and Western Kentucky State College may be known and recognized as Eastern Kentucky University, Morehead State University, Murray State University, and Western Kentucky University upon approval by a majority of their respective Boards of Regents, and the filing of certified evidence of such approval by any of such boards with the Secretary of State and the Legislative Research Commission* [The state colleges formerly designated as the state teachers colleges shall hereafter be known as the Eastern Kentucky State College, located at Richmond, Kentucky, Western Kentucky State College, located at Bowling Green, Kentucky, Murray State College, located at Murray, Kentucky, and Morehead State College, located at Morehead, Kentucky, and under such names are recognized as established and maintained].

(2) Kentucky State College located at Frankfort, Kentucky, is a land-grant state college and, as such, all the provisions of KRS Chapter 164, with the exception of the provisions of KRS 164.320 concerning the appointment of the initial board of regents, applying to the other four state colleges shall likewise apply to Kentucky State College.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

The four state colleges, which may be recognized as universities pursuant to Section 4 of this Act, and Kentucky State College shall provide:

(1) Baccalaureate programs of instruction;

(2) Graduate programs of instruction at the masters-degree level in education, business, and the arts and sciences and programs beyond the masters-degree level to meet the requirements for teachers, school leaders and other certified personnel.

(3) Research and service programs directly related to the needs of their primary geographical areas.

(4) And, may provide programs of a Community College nature in their own community comparable to those listed for the University of Kentucky Community College System, as provided by this chapter.

Section 6. Section 164.580 of the Kentucky Revised Statutes is amended to read as follows:

The University of Kentucky Community College System is established. Each community college shall provide: [a two-year college curriculum.]

*(1) A general two-year academic curriculum with credits transferable to two-year and four-year colleges and universities;*

*(2) Technical and semi-professional programs of two years or less; and*

*(3) Within a two-year college curriculum, courses in general education, including adult education, not necessarily intended for transfer nor technically oriented.*

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

A Community College shall be maintained in each of the following locations: Ashland, Covington, Cumberland, Elizabethtown, Henderson, Hopkinsville, Prestonsburg, Somerset, Blackey-Hazard, Jefferson County, and Mason County.

Section 8. Sections 164.585, and 164.590 of the Kentucky Revised Statutes are repealed.

The Committee on Elections reported **HB 7** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 7**, AN ACT relating to primary elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 119.040 is amended to read:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Tuesday after the fourth Monday in May of each year between the hours of 6:00 A.M. and *6:00* [5:00] P.M., at the regular polling places in each election precinct.

The Committee on Elections reported **HB 168** with the expression of opinion that the same should not pass.

The Committee on Motor Transportation reported **HB 132** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 132**, AN ACT relating to revocation of drivers licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 186.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall forth with revoke the license of any operator of a motor vehicle upon receiving record of his conviction of any of the following offenses:

(a) Manslaughter resulting from the operation of a motor vehicle.

(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drugs.

(c) Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways.

(d) Any felony in the commission of which a motor vehicle is used.

(e) Conviction or forfeiture of bail upon three charges of reckless driving within the preceding twelve months.

(f) Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident.

*(g) Conviction of theft of a motor vehicle or any of its parts, including the conviction of any person under the age of eighteen years.*

(2) If the person convicted of any offense named in subsection (1) is not the holder of a license, the department shall deny the person so convicted a license for the same period of time as though he had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the department shall forth with cancel it.

(3) The department upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation or withdrawal for an additional like period.

(4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six months, except that, if the same person has had one previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial or withdrawal shall be one year; if the person has had more than one previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial or withdrawal shall be for not less than two years.

The Committee on Motor Transportation reported **HB 135** with the expression of opinion that the same should not pass.

The Committee on Motor Transportation reported **HB 141** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 141**, AN ACT relating to motor vehicle lighting.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Blue flashing lights may be displayed by State Police Emergency Vehicles only. No other person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a blue light.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person who violates the provisions of section 1 of this act shall be fined not less than ten nor more than one hundred dollars for each offense and the lighting equipment shall be ordered removed and confiscated upon conviction.

Section 3. Section 189.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this section.

(3) Except as hereinafter provided, the head lamps or the auxiliary driving lamps or the auxiliary passing lamp or combina-

tions thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading;

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(4) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in KRS 189.030, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations hereinafter set forth.

(5) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph (b) of subsection (3) of this section above shall be deemed to avoid glare at all times, regardless of road contour and loading.

(6) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this act other than the uppermost distribution of light specified in paragraph (a) of subsection (3) of this section.

(7) Headlights arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road lighting equipment, if the single distribution of light complies with the following requirements and limitations.

(a) The headlights shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the light from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead;

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet;

(c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

(8) Flashing lights are prohibited on all motor vehicles except as a means for indicating a right or left turn. This subsection shall not apply to authorized emergency vehicles or wreckers; to public utility repair vehicles at the scene of an emergency repair job; to any vehicles operated by mail carriers while on duty; to highway equipment while performing work that requires

stopping and standing or moving at slow speeds within the traveled portions of highways; or to school buses.

(9) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light *or blue light* visible from directly in front. This subsection shall not apply to authorized emergency vehicles.

(10) All wreckers when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

(11) Bicycles need have only one light in front which will reveal clearly substantial objects at least fifty feet ahead.

Section 4. Section 189.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(2) Where no condition exists that requires lower speed for compliance with subsection (1) of this section, the speed of any vehicle not in excess of the limits specified in this section or established or hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful.

(a) For all vehicles other than motor trucks, semitrailer trucks, or motor vehicles of five horsepower or less, thirty-five miles per hour in any business or residential district, sixty miles per hour in other locations during the daytime and fifty miles per hour in other locations during the nighttime;

(b) For motor truck and semitrailer trucks, thirty-five miles per hour in any business or residential district, fifty miles per hour in other locations.

(c) For motor vehicle of five horsepower or less, thirty-five miles per hour in any location.

(3) Whenever the Commissioner of Highways shall determine upon the basis of an engineering and traffic investigation

that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or upon any part of a state highway within or without the corporate limits of a municipality, said Commissioner of Highways may determine and establish by official order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or part of the state highway. In no event, however, shall said commissioner increase any speed limit established by subsection (2) of this section so as to permt in any instance a speed limit in excess of sixty miles per hour.

(4) (a) Whenever municipal authorities or the county court of any county containing a city of the first class or second class determine upon the basis of an engineering and traffic investigation that the speed permitted under subsection (2) of this section is greater or less than is reasonable or safe under the conditions found to exist, at any location within the municipality or unincorporated areas of such county, such municipal authority or county court, subject to paragraph (b) of this subsection, shall determine and authorize by ordinance or order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of day time or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are appropriately erected at such location. In no event, however, shall said municipal authority or county court increase any speed limit established by subsection (2) of this section so as to permit in any instance a speed limit in excess of sixty miles per hour.

(b) Alteration of speed limits on state highways within a municipality by municipal authorities or within the unincorporated areas of counties containing a city of the first class or second class by county courts thereof shall not be effective until such alteration has been approved by the Commissioner of Highways. In no event shall said commissioner approve any alteration which could increase any speed limit established by subsection (2) of this section so as to permit in any instance a speed limit in excess of sixty miles per hour.

(c) Whenever the county court of any county containing a city of the first class or second class determines upon the basis of an engineering and traffic investigation and study that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one motor vehicle is permitted to park in such district so as to reduce such congestion, then the county court may by order establish "no parking" areas on and along said highway, or limit the length of time any motor vehicle may be parked in any business district, which order or orders shall be effective at all times and during hours of daytime or nighttime and at such other times as may be determined when appropriate signs giving notice thereof are erected at such locations.

(d) Notwithstanding the other limitations in this subsection, the Commissioner of Highways may establish, by official order, reasonable and safe speed limits on turnpikes and limited access state highways not to exceed seventy miles per hour.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(6) The speed limitations set forth in this section shall not apply to an authorized emergency vehicle when responding to an emergency call, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren, or exhaust whistle, and when such emergency vehicle is equipped with at least one lighted lamp exhibiting red lights *or blue lights* visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(7) In every charge for a violation of any speed limit specified in this section or established as herein authorized, the

warrant or citation shall specify the speed at which the defendant is alleged to have driven, also the lawful speed limit applicable at the location where the violation is charged to have occurred.

(8) As used in this section, the following words and phrases shall have the meanings respectively ascribed to them:

(a) "Business district," the territory contiguous to and including a highway when within six hundred feet along such highway there are buildings in use for business or industrial purposes which occupy three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(b) "Residential district," the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business;

(c) "State highway," a highway or street maintained by the Department of Highways.

(d) "Nighttime," the peiod from one-half hour after sunset until one-half hour before sunrise, and at such other periods as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period; daytime means at any other period.

(9) The signs and notices which the county judge is authorized hereby to have erected shall be paid for by the fiscal court out of the county levy.

Section 5. Whereas, the 1966 State Police cruisers are scheduled for delivery beginning in March, 1966 and the blue lights authorized by this act must be placed on the vehicles at that time, an emergency is declared to exist, and this act shall become effective upon its passage and approval by the Governor.

The Committee on Legislative Affairs reported **HB 32** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 32**, AN ACT relating to monthly expense allowances for the General Assembly.

The purpose of this Act is to provide reimbursement of necessary expenses in amounts sufficient to permit and encourage members of the General Assembly to perform growingly important and demanding legislative duties; and to provide allowances for the legislators to be adequately indemnified for expenses incurred during execution of their duties to the people and to the Commonwealth during their full term of office;

NOW, THEREFORE

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. In addition to the per diem and all allowances provided for by law to members of the General Assembly of the Commonwealth of Kentucky, each member of the legislature is hereby granted an expense allowance of one hundred fifty dollars per month for secretarial assistance, books and periodicals, other reports or publications, conduct of small scale studies related to governmental activity, postage, telephone service, or any other expense incident to performance of the legislator's duties.

Section 2. The expense allowance provided for herein shall not be payable during any session of the General Assembly. For sessions occuring during a part of the month, the expense allowance shall be prorated.

Section 3. Such expense allowances shall be paid by the State Treasury out of the General Fund of the Commonwealth upon warrant of the Department of Finance, issued on the certification of the Director of the Legislative Research Commission.

The Committee on Governmental Affairs reported **HB 8**, **HB 125** with Committee amendment attached thereto, and **HB 162** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 8**, AN ACT relating to the purchase of liability insurance by public bodies in the Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. All public bodies in the Commonwealth, including all state commissions, departments, boards, divisions, and agencies and all commissions, departments, boards, districts, municipal corporations and agencies of all political subdivisions of the Commonwealth of Kentucky not otherwise authorized, are hereby authorized and empowered to purchase and pay the premiums on liability, personal injury, and property damage insurance covering all officers, functions, and employees of such public bodies. The insurance may insure, cover and protect against individual personal, corporate or quasi corporate liability that said bodies or their officers or employees may incur.

Section 2. In no event shall employees or officers of any public body be required to purchase personal liability insurance; nor to purchase liability endorsements, to their personal policy, which would inure to the benefit and protection of the public body.

Section 3. Nothing in this Act shall be construed to prohibit an employee or officer of any public body from purchasing personal liability insurance. Should any public officer or employee desire to obtain liability, personal injury or property insurance protection, at the request and for the benefit of the public body, that public body must bear the full expense of any coverage inuring to its benefit.

Section 4. Whereas because of the urgent need for public protection, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

**HB 125**, AN ACT relating to guide dogs for the blind.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. When a blind person is accompanied by a guide dog, neither the blind person nor the dog shall be denied admittance to any hotel, motel, restaurant or eating establishment, nor shall the blind person be denied full and equal accommodations, faciliites and privileges of all public places of amusement, theater or resort when accompanied by a guide dog.

(1) Any blind person accompanied by a guide dog shall be entitled to full and equal accommodations on all public transportation, provided that the guide dog shall not occupy a seat in any public conveyance, nor endanger the public safety.

(2) Such blind person shall not be required to pay additional charges or fare for the transportation of any accompanying guide dog.

Section 2. Any blind person accompanied by a guide dog shall not be denied admittance and use of any public building, nor denied the use of any elevator operated for public use.

Section 3. Any blind person accompanied by a guide dog may keep such animal in his or her immediate custody while a tenant in any apartment, or building used as a public lodging.

Section 4. The provisions of this Act shall not apply unless the guide dog has been trained by a recognized training agency or school, and is properly harnessed and muzzled.

(1) All blind persons accompanied by such a trained guide dog must have in their personal possession a certificate issued by the dog training agency or school establishing that his dog has been so trained.

(2) The provisions of this Act shall not apply unless the blind master complies with the legal limitations applicable to sighted persons.

Section 5. Penalties. Any person who, directly or indirectly hinders or interferes with the provisions of this Act shall be punished by a fine of not less than $25.00 dollars, nor more than $100.00 dollars, and/or by imprisonment in the county jail for not less than 10 nor more than 30 days.

Committee amendment to **HB 125** is as follows:

Amend printed copy of House Bill 125 on page 2, line 12, by:

inserting between the words "the" and "dog" the word "guide";

and further amend said bill on page 2, lines 16 and 17 by inserting between said lines the following:

"(3) All requirements of KRS 258.015, 258.135 and 258.145 have been complied with."

and further amend said bill, page 2 lines 17 to 21 by striking out all of said lines and inserting in lieu thereof the following:

"Section 5. Any person violating this Act shall be punished by a fine of not less than $25.00, or more than $100, or by imprisonment in the county jail for not less than 10 nor more than 30 days, or both."

**HB 162**, AN ACT relating to motor vehicle lights.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 189.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this section.

(3) Except as hereinafter provided, the head lamps or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading;

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of load-

ing none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(4) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in KRS 189.030, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations hereinafter set forth.

(5) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph (b) of subsection (3) of this section above shall be deemed to avoid glare at all times, regardless of road contour and loading.

(6) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this Act other than the uppermost distribution of light specified in paragraph (a) of subsection (3) of this section.

(7) Headlights arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road lighting equipment, if the single distribution of light complies with the following requirements and limitations:

(a) The headlights shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the light from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead;

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet;

(c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

(8) Flashing lights are prohibited on all motor vehicles except as a means for indicating a right or left turn. This subsection shall not apply to authorized emergency vehicles or wreckers; to public utility repair vehicles at the scene of an emergency repair job; *to county or municipal service equipment;* to any vehicles operated by mail carriers while on duty; to highway equipment while performing work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; or to school buses.

(9) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light, visible from directly in front. This subsection shall not apply to authorized emergency vehicles.

(10) All wreckers when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

(11) Bicycles need have only one light in front which will reveal clearly substantial objects at least fifty feet ahead.

The Committee on Classification of Cities reported **HB 183** with the expression of opinion that the same should not pass.

The Committee on Classification of Cities reported **HB 219** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 219**, AN ACT changing the classification of the City of Lynch in Harlan County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Lynch in Harlan County is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**The City of Lynch in Harlan County, is transferred from the sixth to the fifth class of cities.**

The Committee on Kentucky Statues # 1 reported **HR 41** with the expression of opinion that the same should not pass.

The Committee on Kentucky Statutes # 1 reported **HR 43** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 43**, A RESOLUTION relating to higher education.

WHEREAS, enrollments at Kentucky institutions of higher education, both public and private, now are challenging the ability of institutions of public and private higher education; and

WHEREAS, enrollments at colleges and universities will increase drastically in the next ten years; and

WHEREAS, presently leaders in education have voiced concern with, and an interest in, the proper status of the University of Louisville, the institution's ability to finance educational demands within the context of available financial support, the proper roles of the University of Kentucky and the University of Louisville in Kentucky's complex of higher education, and

the cost to the students enrolled at the University of Louisville; and

WHEREAS, the Kentucky Commission on Higher Education has recommended that the General Assembly invite the University of Louisville to become a state university.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives calls upon the president of the University of Kentucky and the president of the University of Louisville to appoint a joint committee composed of persons interested in furthering higher education in the Commonwealth.

Section 2. That the House of Representatives requests the president of the University of Kentucky and the president of the University of Louisville to charge their appointees with studying the advisability and feasibility of placing the University of Louisville in the state supported system of public higher education.

Section 3. That this joint committee in its deliberations shall consult with the Council on Public Higher Education and other appropriate organizatons and, if the joint committee ascertains placement of the University of Louisville in the state system is advisable and feasible, that it derive appropriate means for achieving this end.

Section 4. That the joint committee report to the respective presidents of the University of Kentucky and the University of Louisville, and the presidents, in turn, submit a report on the findings and recommendations of the committee to the Governor, the General Assembly, and respective boards of trustees prior to July 1, 1967.

Section 5. That the Legislative Research Commission staff shall assist the joint committee by conducting such studies as are necessary, within the resources of the Commission, and shall assist the joint committee in the distribution of its report.

## Calendar

**HB 72, HB 84, HB 103, HB 107, HB 172, HB 218, HR 25,** and **HB 53** by way of Committee Substitute, taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Orders of the Day

**HB 19** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67—Allen, Arnett, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Buky, Caldwell, Chapman, Cox, Criscillis, Denham, Floyd, Hale, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Irick, Isler, Johnson, Jones, Jordan, Keene, Leeds, Maddox, Majors, Martin, McCowan, McNamara, Clarence R. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Whitlock. Nays 0.

**HB 19** was passed and the title agreed to.

**HB 164** taken from Orders of the Day and orderd read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the following Amendment No. 1 to **HB 164:**

Amend printed copy of House Bill 164 on page 1:
by inserting at the beginning of Line 1 "(1)"
and by adding following Line 10 the following:
"(2) Nothing in this Act shall be construed to require the testing of any child whose parents are members of a nationally recognized and established church or religious denomi-

nation, the teachings of which are opposed to medical tests, and who object in writing to the testing of such child on that ground."
Agreed.

On the roll call the vote was yeas 82—Allen, Arnett, Ball, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Cox, Criscillis, Denham, Floyd, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wells, White, Whitlock, Wright. Nays 2—Straney, Watkins.

**HB 164** as amended was passed and the title agreed to.

Representative Osborn moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 316,** by Representative Osborn: AN ACT relating to wages and hours.

**HB 317**, by Reprsentative Pettit: AN ACT relating to revenue and taxation.

**HB 318**, by Representative Pettit: AN ACT relating to revenue and taxation.

**HB 319,** by Representative Pettit: AN ACT relating to revenue and taxation.

**HB 320,** by Representative Pettit: AN ACT relating to revenue and taxation.

**HB 321**, by Representative Pettit: AN ACT relating to revenue and taxation.

**HB 322**, by Representatives McBrayer and Chapman: AN ACT relating to railroad operators.

**HB 323**, by Representatives Tucker, Chapman, Allen, Archie Brown, Bartley and Whitlock: AN ACT relating to the practice of optometry.

**HB 324**, by Representatives Tucker, Wallace, Kelly, McBrayer, Barber, Bates, Buky, Hinkle, White, E. G. Brown, Henry, Lassiter, Webster, Hislope, Archie Brown and Secrest: AN ACT relating to fish and wildlife.

**HB 325**, by Representatives Ball, DeMarcus, Bicknell, Clark and McCowan: AN ACT relating to revenue and taxation.

**HB 326**, by Representatives Blythe, Howard Hunt, Jr., and Carroll: AN ACT relating to re-employment of public employees performing Military Duty and repealing Section 61.370 of the Kentucky Revised Statutes.

**HB 327**, by Representatives Blythe, Howard Hunt, Jr., and Carroll: AN ACT relating to the Department of Military Affairs.

**HB 328**, by Representatives Blythe, Howard Hunt, Jr., and Carroll: AN ACT relating to the National Guard.

**HB 329**, by Representatives Blythe, Howard Hunt, Jr., and Carroll: AN ACT relating to retirement of state employes.

**HB 330**, by Representatives Blythe, Howard Hunt, Jr., and Carroll: AN ACT relating to the National Guard.

**HB 331**, by Representatives Hardin and Bruce: AN ACT relating to the friend of the court and to amend KRS 403.090 (6).

**HR 64**, by Representative Chapman: A RESOLUTION requesting the General Assembly of the Commonwealth of Kentucky to provide legislation exempting United States Civil Service Retirement annuities from discriminatory taxation.

Representative John Y. Brown moved that **HB 165** be made a Special Order for 5:00 p. m., Monday, February 14, 1966. Agreed.

## ANNOUNCEMENTS

The Committee Chairmen called the following meetings:

| | | |
|---|---|---|
| Ways and Means | Room 402 | Adjournment |
| Criminal Law | Room 401 | 9:00 a.m. |
| Constitutional Amendment | Speakers' Retiring Room | Adjournment |
| Roads and Highways | Room 220 | Adjournment |
| Conservation | Room 403 | 9:30 a.m. |
| Judiciary | Room 401 | Adjournment |

Representative Archie Brown moved that the House adjourn until 10:00 a.m., Friday, February 11, 1966.

On the roll call the vote was yeas 51—Arnett, Barber, Bates, Blume, Blythe, Bondurant, Brady, Archie Brown, Edward G. Brown, Bruce, Buky, Caldwell, Chapman, Clapp, Clark, Criscillis, Denham, Floyd, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Jones, Jordan, Keene, Lassiter, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, John D. Miller, Murphy, Osborn, Ostertag, Peniston, Pile, Russell Reynolds, Riddle, Roberts, Sartin, Short, Smith, Smothers, Stuart, Warders, Watkins, Wells, White. Nays 0.

The motion to adjourn was adopted.

## FRIDAY, FEBRUARY 11, 1966

## THIRTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Billy Joe Cox, Methodist Church, Hodgenville.

The roll was called. All present except Representatives Allen, Ball, Ballenger, Bartley, Bicknell, Bourne, Chaudoin, Dempsey, Harris, Hislope, James E. Hunt, Kelly, Lassiter, Morgan, Russell Reynolds, W. J. Reynolds, Jr., Sheehan, Stuart, Wheeler and Young.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 10, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 332**, by Representative James E. Hunt: AN ACT relating to revenue and taxation.

**HB 333**, by Representatives Leeds and McBrayer: AN ACT relating to resisting arrest.

**HB 334**, by Representative Russell: AN ACT relating to age of majority.

**HB 335**, by Representatives Russell and Harper: AN ACT relating to publication of photograph and film.

**HB 336**, by Representative Russell: AN ACT relating to the qualifications of members of boards of education.

**HB 337**, by Representative Blume: AN ACT relating to the control of junkyards.

**HB 338**, by Representatives Bruce, McNamara, Pile, Leeds and Blythe: AN ACT relating to speed limits on the State Fair Grounds.

**HR 65**, by Representatives Roberts and Overman: A RESOLUTION commending the teachers who refused to leave school in protest over salaries.

Representative Overman moved the adoption of **HR 65.**

Representative Arnett moved that **HR 65** be laid on the table.

On the roll call the vote was yeas 29—Arnett, Ball, Blythe, Brady, Archie Brown, Caldwell, Criscillis, DeMarcus, Denham, Eicher, Hopkins, Johnson, Jones, Jordan, Kessinger, Majors, Martin, McCowan, McIntyre, Pile, Russell, Sartin, Secrest, Smith, Stuart, Vanover, Warders, Webster, Wright. Nays 13—Barber, Buky, Floyd, Hale, Henry, McNamara, John D. Miller, Murphy, Overman, Peniston, Riddle, Roberts, Smothers.

**HR 65** was tabled.

**HR 66**, by Representative Murphy: A RESOLUTION inviting Rabbi Bernard Schwab of Ohavay Zion Synagogue, Lexington, Kentucky, to offer the opening prayer in the House of Represenatives.

## Senate Message

Announcing passage of **SB 104, SB 69** and **SB 108.**

## Recess

Representative John Y. Brown moved that the House recess for ten minutes for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to Order.

## Reference of Bills and Resolutions

The Committee an Committees referred the following Bills and Resolutions:

Appropriations: **HB 276, HB 294.**

Banks and Banking: **SB 64.**

Criminal Law: **SB 57.**

Classification of Cities: **SB 82.**

Conservation: **HB 301.**

County Government: **HB 289.**

Courts and Legal Procedure: **HB 275, HB 286, HB 290, HB 298, HB 299, HB 303.**

Education: **HB 273, HB 278, HB 302.**

Elections: **HB 296.**

Governmental Affairs: **SB 62, SR 15.**

Insurance: **HB 284, HB 293, HB 300, SB 65.**

Judiciary and Judicial Council: **HB 291, HB 292.**

Kentucky Statutes # 1: **HB 277, HB 282, HB 297, SB 104.**

Library and Historical Records: **HB 271.**

Mines and Minerals: **HB 279.**

Municipalities: **HB 272, HB 295, SB 53.**

Public Health: **HB 274, HB 280, HB 281, HB 283, SB 24.**

Railroads: **HB 287, HB 288.**

Roads and Highways: **HB 285, SB 26, SR 13.**

## Recess

Representative John Y. Brown moved that the House recess for 5 minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative John Y. Brown moved that Orders of the Day be passed and all bills retain their positions until Monday, February 14, 1966. Agreed.

Representative Caldwell moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 339**, by Representative Carroll: AN ACT relating to secured transactions.

**HB 340**, by Representative Carroll: AN ACT relating to Electric Plant Boards.

**HB 341**, by Representative Carroll: AN ACT relating to state representative districts.

**HB 342**, by Representatives Hardin, Bruce, Pile, DeMarcus, McNamara, Jones, McBrayer, Buky, Riddle, Watkins, Hopkins, Barber, Straney, Arnett, Martin, Tucker, Overman, Wallace, Harper, Hoffman, Blythe, E. G. Brown, Archie Brown, Majors, Bates, Cox, Murphy, Hale, Vanover, Keene, Eicher and Webster: AN ACT relating to lewd, lascivious, indecent or obscene language, suggestions or proposals over the telephone.

**HB 343**, by Representatives Leeds, Peniston and Pettit: AN ACT relating to the statutes of limitations of certain civil actions.

**HB 344**, by Representatives Criscillis and Hoe: AN ACT requiring the attendance of a licensed physician at certain high school athletic contests.

## Motions, Petitions, and Communications

**HR 67**, by Representative DeMarcus: A RESOLUTION requesting a study of the feasibility of preserving Hall's Gap as an historic site.

WHEREAS, Hall's Gap, in Lincoln County, Kentucky, is closely connected with the early history in the establishment of Kentucky as a State, and

WHEREAS, Hall's Gap directly overlooks the home of the Honorable Isaac Shelby, first Governor of Kentucky, the home of William Whitley, pioneer soldier and statesman, the site of Fort Benjamin Logan, one of the first Indian Forts established in Kentucky, the site of the first race track in Kentucky, and many other firsts, and

WHEREAS, Kentucky has not seen fit to preserve this historic spot in the past,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the Department of Parks, in conjunction with the Department of Highways and the State Historical Society, conduct a survey and study of Hall's Gap with the view of preserving this historic area for the benefit of future generations interested in the history of Kentucky, and that a copy of this Resolution be sent to Honorable Robert Bell, Commissioner of Parks, Honorable Henry Ward, Commissioner of Highways, and Honorable George M. Chinn, Director of the Kentucky Historical Society.

Representative DeMarcus moved the adoption of **HR 67.** Agreed.

## Report of Committees

The Committee on Conservation reported **HB 258,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 258,** AN ACT relating to the courts and the interpretation of instruments conveying mineral rights.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Whenever, any action civil or criminal pending in any court of this Commonwealth shall involve the construction or interpretation of any instrument purporting or having purported to convey or grant the right to extract or remove minerals from under any real property therein, it shall be presumed that the grant or conveyance of such right is or was limited to the right or privilege of extracting and removing said minerals by technological or technical processes generally known in the locality and at the time said grant or conveyance was originally made and executed.

**Committee Substitute, HB 258,** AN ACT relating to the courts and the interpretation of instruments conveying mineral rights.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Whenever any action civil or criminal pending in any court of this Commonwealth shall involve the construction or interpretation of any instrument purporting or having purported to convey or grant the right to extract or remove coal from under any real property therein, it shall be presumed that the grant or conveyance of such right is or was limited to the right or privilege of extracting and removing said coal by technological or technical processes generally known in the locality and at the time said grant or conveyance was originally made and executed or by other processes of extraction or removal, if such processes result in comparable or less damage or disturbance to the surface than the processes generally known in the locality and at the time said grant or conveyance was originally made and executed.

The Committee on Kentucky Statutes # 1 reported **SB 104** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 104,** AN ACT relating to gambling.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 436.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, with or without compensation, sets up, keeps, manages, operates or conducts or assists in setting up, keeping, managing, operating or conducting a keno bank, faro bank or other machine or contrivance used in betting whereby money or anything of value may be won or lost, or any person who, for compensation, percentage or commission, sets up, keeps, manages, operates or conducts a game of cards, contz or craps, whereby money or anything of value may be won or lost, or with or without compensation, percentage or commission, assists in setting up, carrying on, managing, operating or conducting any game so set up, carried on, managed, operated or conducted for compensation, percentage or commission, shall be fined five hundred dollars, and confined in the penitentiary for not less than

one nor more than three years. In addition, he shall be deemed infamous after conviction, and be forever disqualified from exercising the right of suffrage and from holding any state, county or city office of honor, trust or profit. The judgment of conviction shall recite such infamy and disqualification and shall not be valid without the recital.

(2) Subsection (1) of this section shall not apply to persons who play at such games, machines or contrivances, unless they aid or take other part in setting up, conducting, keeping, managing or operating them.

(3) The change of the name of any of the games, banks, tables, machines or contrivances prohibited by subsection (1) of this section shall not prevent the conviction of any person violating the provisions of that subsection.

(4) Subsection (1) of this section shall not apply to persons who sell combination or French pools on any regular race track during the races on that track. An indictment for a violation of the provisions of subsection (1) of this section may charge the accused in one count with any or all of the offenses mentioned or included in that subsection.

[(5) A small table with its surface slanted upwards from the end at which the player stands, and which is equipped with a plunger, bat or electrically operated flipper or turret shooter which the player manipulates, striking therewith some balls which are knocked towards the upper end of the table, and those balls strike a pocket or target or rebound from the upper end of the table and start rolling back by force of gravity toward the lower end of the table, meeting on the way various hazards and obstructions on the surface of the table, which cause the balls to meander in other directions and register a certain number score, depending upon the number assigned to the particular obstruction or pocket or indicated by lights at time it hits, some obstructions taking a higher score number than others, whereby the play is started by the player depositing a coin in a provided slot, and if the player is successful in obtaining a prescribed result in number score, and he then possesses the opportunity only to replay such table in the same manner without the insertion of another coin, and if such device itself does not pay off in money, tokens

or merchandise or other prizes for the winning score and only gives the right of replay without insertion of a coin, depending upon the skill of the player, playing such device, shall not be considered as gambling, and subsection (1) of this section shall not apply to any person keeping, managing, operating, conducting, or owning such device which only gives a free game or games for the skill of the player playing such machine or device.]

*(5) Subsection (1) of this section shall not apply to persons who maintain, manage, or display any electro-mechanical pinball machine specially designed, constructed, set up, and kept to be played for amusement only; provided, any such pinball machine shall be made to receive and react to the deposit of one five cent coin and no more during the course of a game; provided, the ultimate and only reward given directly or indirectly to any player for the attainment of a winning score or combination on any such pinball machine shall be the right to play one or more additional games immediately on the same device at no further cost; provided, the maximum number of free games that can be won, registered, or accumulated at one time in the operation of any such pinball machine shall not exceed thirty free games; provided, any such pinball machine shall be made to discharge accumulated free games only by reactivating the play mechanism once for each game released; and provided, any such pinball machine shall be made and kept with no meter or system to preserve a record of free games played, awarded, or discharged. Nonetheless, subsection (1) of this section shall apply to any person who gives or promises to give money, tokens, merchandise, premiums, or property of any kind for scores, combinations or free games obtained in playing any pinball machine in which such person has an interest as owner, operator or keeper. And subsection (1) of this section shall apply, nonetheless, to any person who sets up, keeps, operates, or manages any machine or contrivance which is classified and taxed as a gaming device under the Internal Revenue Code of the United States, including but not limited to any electro-mechanical pinball machine designed to receive and react to multiple coin deposits during the course of a single game, with sets of variable odds or scoring possibilities determined or produced by the application of chance.*

The Committee on Roads and Highways reported **HB 54** and **HB 148** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 54,** AN ACT relating to historical automobiles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. In enacting this Act, it is the intention of the General Assembly to recognize the special value of historical vehicles to the Commonwealth, and also to recognize that historical cars, because of their limited use and their easily identifiable characteristics, do not require the same degree of regulation as other vehicles.

Section 2. As used in this Act, unless the context otherwise requires, "historical vehicle" means a motor vehicle which was manufactured prior to 1932 and which is used primarily for exhibition in shows, parades, tours and other special uses but not for general transportation.

Section 3. Historical vehicles shall be registered and licensed by the Department of Revenue. Such registration and license shall be in lieu of the registration and license required by KRS 186.020 to 186.270.

Section 4. Upon payment of a fee of 25 dollars and application in accordance with regulations issued by the Department of Revenue, the Commissioner of Revenue shall issue a certificate of rgistration and a special license plate which in the judgment of the Commissioner of Revenue will best advertise, popularize and promote the state. The serial number shall begin with the number one and continue in consecutive numerical sequence.

Section 5. The registration license, and license plate of historical vehicles shall be valid without renewal as long as the vehicle is in existence. If the historical vehicle is sold, the registration and license shall be assigned and transferred to the new owner on the records of the Department of Revenue on receipt

of an application in accordance with regulations issued by the department and payment of a fee of two dollars.

Section 6. The Commissioner of Revenue may make such reasonable rules and regulations as he deems necessary to further the purposes of this Act.

**HB 148,** AN ACT relating to emergency motor vehicles and the regulation of lights.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 189.011 is amended to read:

(1) As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

(a) "Authorized emergency vehicle" shall mean any police vehicle at all times or an ambulance and fire apparatus *or an automobile wrecker* when operated in connection with an emergency. *A wrecker going to the scene of an automobile wreck or while at the scene or while returning with a wrecked automobile shall be deemed in an emergency.*

(b) "Wrecker" shall mean a motor vehicle on which a wrecking crane and other equipment suitable for motor vehicle wrecker service has been permanently mounted.

(2) Provided, however, that the regulations in reference to lights shall not apply to common carrier motor vehicles whose equipment is regulated by the rules of the Interstate Commerce Commission.

The Committee on Criminal Law reported **HB 166,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 166,** AN ACT relating to capital punishment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 431.070 is amended to read:

(1) No crime shall be punished with death. [unless directed by statute.]

(2) A common-law offense, for which punishment is prescribed by statute, shall be punished only in the mode so prescribed.

Section 2. KRS 433.140 is amended to read:

Any person who commits robbery or burglary or any act penalized by KRS 433.130, and in committing the act uses or displays any pistol, gun or other firearm or deadly weapon shall be punished by confinement in the penitentiary for life. [or by death.]

Section 3. KRS 435.010 is amended to read:

Any person who commits willful murder shall be punished by confinement in the penitentiary for life [, or by death].

Section 4. KRS 435.030 is amended to read:

Any person who violates any of the provisions of KRS 432.020 to 432.050 shall be punished by confinement in the penitentiary for life [, or by death,] if the death of any person occurs in the course of or by reason of the violation, or the violation contributes to the death.

Section 5. KRS 435.060 is amended to read:

(1) Any person who willfully obstructs any public road or private passway by stretching or placing any obstruction dangerous to the traveling public on or across it, and thereby causes a person to suffer a fatal injury, shall be punished by confinement in the penitentiary for life [, or by death].

(2) Any person who willfully obstructs any public road or private passway by stretching or placing any obstruction dangerous to the traveling public on or across it, whereby any person is injured, shall be confined in the penitentiary for not less than one nor more than five years.

Section 6. KRS 435.070 is amended to read:

(1) As used in subsections (2), (3) and (4) of this section,

"mob" means any number of persons more than three, assembled to do violence or injury to or lynch any person in the custody of a peace officer or jailer in this state.

(2) Any person who takes part in and with any mob shall be punished by confinement in the penitentiary for life [, or by death] if the person in custody meets death at the hands of the mob.

(3) Any preson who takes part in and with a mob shall be confined in the penitentiary for not less than two nor more than twenty-one years, if the person in custody does not meet death at the hands of the mob.

(4) Any person not standing in the relationship of husband or wife, parent, grandparent, child, grandchild, brother or sister, by consanguinity or affinity, who, after subsections (2) and (3) of this section have been violated, harbors, conceals or aids any member of the mob who participated in the offense, with the intent that that member of the mob shall escape arrest or punishment, shall be confined in the penitentiary for not less than two nor more than twenty-one years.

Section 7. KRS 435.080 is amended to read:

(1) Any person who commits rape upon a child under twelve years of age shall be punished by confinement in the penitentiary for life [, or by death].

(2) Any person who attempts to commit rape upon a child under twelve years of age shall be confined in the penitentiary for not less than five nor more than twenty years.

Section 8. KRS 435.090 is amended to read:

Any person who unlawfully carnally knows a female of and above twelve years of age against her will or consent, or by force or while she is insensible, shall be punished (by death, or by confinement in the penitentiary for life without privilege of parole, or) by confinement in the penitentiary for life, or by confinement in the penitentiary for not less than ten years nor more than twenty years.

Section 9. KRS 435.110 is amended to read:

(1) Except as provided in subsection (2) of this section, any male person who carnally knows, with her consent, any female child, not his wife, and any female person who carnally knows any male child, not her husband, shall:

(a) If the child is under twelve years of age, be punished by confinement in the penitentiary for not less than twenty nor more than fifty years (, or by death).

(b) If the child is of the age of twelve years and under sixteen, be confined in the penitentiary for not less than five nor more than twenty years.

(c) If the child is of the age of sixteen years and under eighteen, be confined in the penitentiary for not less than two nor more than ten years, unless it is shown by the evidence, beyond a reasonable doubt, that the prosecutrix is sexually immoral or has a reputation for sexual immorality, in which case the defendant shall be fined not more than five hundred dollars. In all prosecutions for carnally knowing a female between the ages of sixteen and eighteen years, previous acts of sexual immorality committed by the female and her general reputation for sexual immorality may be proven.

(2) Any male person of the age of seventeen years and under twenty-one and any female person of the age of eighteen years and under twenty-one who violates any of the provisions of this section shall be fined not more than five hundred dollars.

(3) When the complaining witness is over the age of sixteen years and the defendant is under twenty-one, testimony may be heard in aggravation or mitigation of the charge.

Section 10. KRS 435.140 is amended to read:

Any person who, forcibly or otherwise, holds another against his will to unlawfully obtain a ransom for his release, or who aids or abets any person thus offending, shall be punished by confinement in the penitentiary for life [, or by death].

Section 11. KRS 435.190 is amended to read:

(1) Any person who recklessly throws a stone or other

missile at or into, or shoots at or into, any railroad engine or cars attached to the engine, passenger coach, any station or station platform occupied by any person, or at or into any motor vehicle, stationary or traveling upon any public highway in this state, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than six nor more than twelve months.

(2) If the missile thrown or the shot fired was calculated to produce death or great bodily harm, and any person on or in the engine cars, coach, station, station platform or motor vehicle is injured or wounded the person so throwing or shooting shall be confined in the penitentiary for not less than one nor more than five years, and should death ensue from such throwing or shooting within one year thereafter the person guilty of the throwing or shooting shall be punished by confinement in the penitentiary for life [, or by death].

**Committee Substitute, HB 166,** AN ACT relating to capital punishment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 433.140 is amended to read:

Any person who commits robbery or burglary or any act penalized by KRS 433.130, and in committing the act uses or displays any pistol, gun or other firearm or deadly weapon shall be punished by confinement in the penitentiary for life [or by death].

Section 2. KRS 435.010 is amended to read:

Any person who commits willful murder shall be punished by confinement in the penitentiary for life [, or by death].

Sction 3. KRS 435.030 is amended to read:

Any person who violates any of the provisions of KRS 432.020 to 432.050 shall be punished by confinement in the penitentiary for life [, or by death,] if the death of any person occurs in the course of or by reason of the violation, or the violation contributes to the death.

Section 4. KRS 435.060 is amended to read:

(1) Any person who willfully obstructs any public road or private passway by stretching or placing any obstruction dangerous to the traveling public on or across it, and thereby causes a person to suffer a fatal injury, shall be punished by confinement in the penitentiary for life [, or by death].

(2) Any person who willfully obstructs any public road or private passway by stretching or placing any obstruction dangerous to the traveling public on or across it, whereby any person is injured, shall be confined in the penitentiary for not less than one nor more than five years.

Section 5. KRS 435.070 is amended to read:

(1) As used in subsections (2), (3) and (4) of this section, "mob" means any number of persons more than three, assembled to do violence or injury to or lynch any person in the custody of a peace officer or jailer in this state.

(2) Any person who takes part in and with any mob shall be punished by confinement in the penitentiary for life [, or by death] if the person in custody meets death at the hands of the mob.

(3) Any person who takes part in and with a mob shall be confined in the penitentiary for not less than two nor more than twenty-one years, if the person in custody does not meet death at the hands of the mob.

(4) Any person not standing in the relationship of husband or wife, parent, grandparent, child, grandchild, brother or sister, by consanguinity or affinity, who, after subsections (2) and (3) of this section have been violated, harbors, conceals or aids any member of the mob who participated in the offense, with the intent that that member of the mob shall escape arrest or punishment, shall be confined in the penitentiary for not less than two nor more than twenty-one years.

Section 6. KRS 435.080 is amended to read:

(1) Any person who commits rape upon a child under twelve years of age shall be punished by confinement in the penitentiary for life [, or by death].

(2) Any person who attempts to commit rape upon a child under twelve years of age shall be confined in the penitentiary for not less than five nor more than twenty years.

Section 7. KRS 435.090 is amended to read:

Any person who unlawfully carnally knows a female of and above twelve years of age against her will or consent, or by force or while she is insensible, shall be punished [by death, or by confinement in the penitentiary for life without privilege of parole, or] by confinement in the penitentiary for life, or by confinement in the penitentiary for not less than ten years nor more than twenty years.

Section 8. KRS 435.100 is amended to read:

(1) Except as provided in subsection (2) of this section, any male person who carnally knows, with her consent, any female child, not his wife, and any female person who carnally knows any male child, not her husband, shall:

(a) If the child is under twelve years of age, be punished by confinement in the penitentiary for not less than twenty nor more than fifty years [, or by death].

(b) If the child is of the age of twelve years and under sixteen, be confined in the penitentiary for not less than five nor more than twenty years.

(c) If the child is of the age of sixteen years and under eighteen, be confined in the penitentiary for not less than two nor more than ten years, unless it is shown by the evidence, beyond a reasonable doubt, that the prosecutrix is sexually immoral or has a reputation for sexual immorality, in which case the defendant shall be fined not more than five hundred dollars. In all prosecutions for carnally knowing a female between the ages of sixteen and eighteen years, previous acts of sexual immorality committed by the female and her general reputation for sexual immorality may be proven.

(2) Any male person of the age of seventeen years and under twenty-one and any female person of the age of eighteen years and under twenty-one who violates any of the provisions of this section shall be fined not more than five hundred dollars.

(3) When the complaining witness is over the age of sixteen years and the defendant is under twenty-one, testimony may be heard in aggravation or mitigation of the charge.

Section 9. KRS 435.140 is amended to read:

Any person who, forcibly or otherwise, holds another against his will to unlawfully obtain a ransom for his release, or who aids or abets any person thus offending, shall be punished by confinement in the penitentiary for life [, or by death].

Section 10. KRS 435.190 is amended to read:

(1) Any person who recklessly throws a stone or other missile at or into, or shoots at or into, any railroad engine or cars attached to the engine passenger coach, any station or station platform occupied by any person, or at or into any motor vehicle, stationary or traveling upon any public highway in this state, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than six nor more be than twelve months.

(2) If the missile thrown or the shot fired was calculated to produce death or great bodily harm, and any person on or in the engine cars, coach, station platform or motor vehicle is injured or wounded the person so throwing or shooting shall be confined in the penitentiary for not less than one nor more than five years, and should death ensure from such throwing or shooting within one year thereafter the person guilty of the throwing or shooting shall be punished by confinement in the penitentiary for life [, or by death].

Section 11. KRS 433.150 is amended to read:

Any person who, with an offensive weapon or instrument, unlawfully and maliciously assaults another, or who in any forcible and violent manner demands any money, goods or chattels, bond, bill, deed or will or other evidence of right, or other evidence of right, or other thing of value from any person, with an intent to rob or commit a robbery upon him, shall be punished by confinement in the penitentiary for twenty-one years or for life [, or by death].

Section 12. KRS 431.070 is amended to read:

(1) No crime shall be punished with death. [unless directed by statute.]

(2) A common-law offense, for which punishment is prescribed by statute, shall be punished only in the mode so prescribed.

The Committee on Ways and Means reported **HB 116** with the expression of opinion that the same should not pass.

The Committee on Ways and Means reported **HB 211** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 211,** AN ACT relating to the authority of the Kentucky State Racing Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 230.260 is amended to read:

The commission, in the interest of breeding or the improvement of the breed of thoroughbred horses, shall have all powers necessary and proper to carry out fully and effectually the provisions of KRS 230.210 to 230.360 including, but without limitation, the following:

(1) The commission is vested with full jurisdiction and supervision over all thoroughbred race meetings in this state and over all persons and associations having to do with the conduct of such meetings:

(2) The commission, its representatives and employes, may visit, investigate and have free access to the office, track, facilities or other places of business of any licensee for the purpose of satisfying itself that KRS 230.210 to 230.360 and its rules and regulations are strictly complied with;

(3) The commission shall have full authority to prescribe rules, regulations and conditions under which thoroughbred horse racing shall be conducted in this state and to fix and regulate the minimum amount of purses, stakes or awards to

be offered for the conduct of any thoroughbred race meeting; *provided, however, that in any race in which more than one horse is entered belonging to the same owner or trained by the same trainer all of said horses must be run as one entry;*

(4) Applications for licenses shall be made in the form, in the manner and contain information as the commission may, by rule, require. Fees for all licenses issued under KRS 230.310 shall be prescribed by and paid to the commission;

(5) Any of the foregoing rules, regulations and conditions may be altered, amended, repealed and published from time to time. All rules, regulations and conditions shall become effective thirty days after the filing thereof with the Legislative Research Commission unless the Governor finds an emergency to exist in which event the same shall become effective immediately upon filing with the Legislative Research Commission. The commission may, but shall not be required to, advertise any of its regulations either before or after filing;

(6) The commission may issue subpoenas for the attendance of witnesses before it and administer oaths to such witnesses whenever, in the judgment of the commission, it is necessary to do so for the effectual discharge of its duties. Any person failing to appear before the commission at the time and place specified in said summons, or refusing to testify, shall be deemed guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both. False swearing on the part of any witness shall be deemed perjury and punished as such.

(7) The commission shall have authority to compel any racing association licensed under KRS 230.210 to 230.360 to file with the commission at the end of its fiscal year, a balance sheet, showing assets and liabilities, and an earnings statement, together with a list of its stockholders or other persons holding a beneficial interest in the association.

The Committee on Ways and Means reported **HR 14, HR 15, SR 6,** and **SR 7** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 14,** A RESOLUTION urging the Department of Public Safety to train as driver examiners persons other than state troopers.

WHEREAS, at the present time, all driving tests, both the written test and the performance test, are administered by state troopers; and

WHEREAS, state troopers are needed for other duties for which they are specially trained; and

WHEREAS, it is to the advantage of the Department of Public Safety and to the people of the Commonwealth to release the state troopers from the duty of administering driving tests, so that they be available for other duties;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Department of Public Safety is hereby urged to train as driver examiners persons other than state troopers.

Section 2. That a copy of this resolution be sent to the Commissioner of Public Safety.

**HR 15,** A RESOLUTION commending the Division of State Police in the Department of Public Safety.

WHEREAS, the State Police by their personal appearance and trim uniforms have manifested a pride in their duty, their department, their Commonwealth and themselves; and

WHEREAS, the State Police have proved themselves efficient and competent in the performance of the duties entrusted to them;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Department of Public Safety and its Division of State Police be commended by this House for the fine

appearance of the State Police in Kentucky and for their exemplary performance of duty.

Section 2. That copies of this resolution be forwarded to the Commissioner of Public Safety and to the Director of the Division of State Police.

**SR 6,** A CONCURRENT RESOLUTION recognizing the Eastern Orthodox Church as a major faith in the Commonwealth of Kentucky.

WHEREAS, the Eastern Orthodox Church established in the United States of America one hundred and sixty-five years ago, is recognized by a plurality of these United States; and

WHEREAS, the Eastern Orthodox Church is a major faith in the United States and in the Commonwealth of Kentucky; and

WHEREAS, the Eastern Orthodox Church is not generally included among the religious confessions of the Commonwealth of Kentucky; and

WHEREAS, no religious distinction should be made against the Eastern Orthodox Church which is contrary to the prevailing liberal and democratic spirit of the Commonwealth of Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Eastern Orthodox Church be and is hereby recognized as a major faith in the Commonwealth of Kentucky, and that it be included among the religious confessions of this Commonwealth, and that the forms and official papers of the Commonwealth and local government units which refer to the major faiths read "Protestants, Catholics, Eastern Orthodox and Jews."

Section 2. That all media of communications and individuals are hereby requested to include the Eastern Orthodox Church when referring to the major faiths.

**SR 7,** A CONCURRENT RESOLUTION expressing the sympathy of the General Assembly over the death of Charles B.

Truesdell, one of the leading lawmakers in the history of Campbell County, and expressing appreciation for his many contributions to the progress of the Commonwealth of Kentucky.

WHEREAS, Charles B. Truesdell, former state legislator, died Monday, January 3; and

WHEREAS, Mr. Truesdell served in the House of Representatives in the 1920, 1922 and 1930 sessions and as Senator from Campbell County in the 1924 and 1926 sessions; and

WHEREAS, Mr. Truesdell contributed to the progress of the Commonwealth of Kentucky by introducing pioneering legislation, including a bill to form the State Park Commission in 1924, of which he was the co-author; and

WHEREAS, Mr. Tduesdell was the progenitor of the Mary Inglis Highway; and

WHEREAS, Mr. Truesdell authored legislation including the registering of nurses in Kentucky, the original police and firemen pension fund act and many others;

NOW, THEREFORE,

*Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring thereins*

Section 1. That the General Assembly expresses its sympathy over the death of Charles B. Truesdell, one of the leading lawmakers in the history of Campbell County, and expresses its appreciation for his many contributions to the progress of the Commonwealth of Kentucky.

Section 2. That a copy of this resolution be sent to his daughter, Mrs. Dorothy Dishon, Union, Kentucky; his two brothers, Ira, Ft. Thomas, Kentucky, and William, South Daytona Beach, Florida; and his sister, Miss Florence Truesdell of Ft. Thomas, Kentucky.

The Committee on Kentucky Statutes # 3 reported **HB 13**, with Committee amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 13,** AN ACT relating to loans to students in state institutions of higher learning.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context otherwise requires:

(1) "College" means any state supported institution of higher education.

(2) "Council" means the Council on Public Higher Education.

(3) "Director" means the director of the Student Loan Insurance Fund.

(4) "Fee" means the Student Loan Insurance Fund Fee.

(5) "Fund" means the Student Loan Insurance Fund.

(6) "Student" means a person attending or accepted for attendance at a state supported institution of higher learning.

Section 2. The Commonwealth of Kentucky may, through the Student Loan Insurance Fund created by this Act, insure educational loans made to students who are residents of Kentucky attending or accepted for attendance at a state supported institution of higher education by banks operating under a charter from the United States or the Commonwealth of Kentucky as provided in this Act.

Section 3. The director may approve an educational loan if:

(1) The interest on the loan does not exceed three percent per year on the unpaid balance;

(2) The interest on the loan is to be computed from the date of graduation as provided in subsection (4) or the date of the withdrawal of the student from college;

(3) The maximum the student is permitted to borrow is five hundred dollars in any one year with a maximum limit of two thousand dollars over a six year period; and

(4) In the event the student attends a graduate school of a state supported institution of higher learning in Kentucky for the purpose of obtaining a graduate degree, the interest is to be computed from the date he graduates from the graduate school or from the sixth anniversary of the loan whichever comes first, except that no payment shall be due until after graduation or withdrawal.

Section 4. Any student is eligible to have an educational loan approved if:

(1) The student has been accepted for admission at a state supported institution of higher education; or

(2) The student is at the time of applying for the loan a full time student in good standing in a college and enrolled in a program leading to a bachelor's degree or graduate degree; and

(3) The student can show a need for the loan in order to attend or continue attending a state college; and

(4) The student is a resident of Kentucky.

Section 5. The loan will be arranged between the student and a bank of his choice. The loan will be made for educational purposes including tuition, room, board, books and fees required by the college or courses in which the student is enrolled. The student and the bank shall arrange the loan to become effective upon the approval of the director.

Section 6. The student is to repay the loan in monthly installments with interest as provided in section three so as to discharge the loan in five years. The student has the right to pay all or any part of the loan in advance. The bank does not have the right to accelerate payment of the full amount, but may bring any appropriate action to collect any amount remaining unpaid.

Section 7. If, after five years from graduation or withdrawal, any part of the loan remains unpaid, the bank may apply to the director for payment of the unpaid balance of the loan plus any unpaid interest. When the bank has assigned all of its rights in the loan to the director, the director shall authorize the unpaid balance of the loan plus the interest to be paid to the bank from

the Student Loan Insurance Fund. Upon payment to the bank, the director is subrogated to the rights of the bank and may take any action necessary, including employing an attorney, to recover the amount paid from the fund plus interest from the date of the payment and costs including a reasonable attorney's fee from the student.

Section 8. There is established in the Council on Public Higher Education a Director of the Student Loan Insurance Fund to administer this Act. The director shall not be a member of the council. The director shall be appointed by the council with the approval of the Governor. The director shall serve at the pleasure of the council.

Section 9. The director shall receive a salary to be determined by the council to be paid from the council appropriation.

Section 10. The director, with the approval of the council, may make rules and regulations and prescribe forms necessary for the administration of this Act.

Section 11. For the purpose of creating and maintaining the Student Loan Insurance Fund:

(1) A bank, to be eligible to participate in the program outlined by this Act, shall pay to the director for the benefit of the fund at the time of making any part of a loan approved by the director an amount equal to one-half percent of the loan.

(2) A nonresident student attending a state supported institution of higher education after July 1, 1966, shall pay a fee of five dollars for the benefit of the fund at the time he enrolls in a course of study at the institution. The institution may deduct from the fees collected and forwarded to the director an amount not exceeding five percent to defray the costs of administration.

(3) After July 1, 1969, the director may, with the approval of the council, reduce the fee paid by nonresidents in subsection (2) if the amount expected to be obtained from the reduced fee will be sufficient to carry out the purposes of this Act.

Section 12. If any part of a loan made pursuant to the

provisions of this Act remains unpaid at the time of the death of a student during the time the student is attending a state supported institution of higher education or at the time the student is repaying the loan to the bank, the unpaid amount shall be satisfied from the fund. This payment shall be deemed to satisfy the loan for all purposes.

Section 13. (1) Except as provided in subsection (2) of this section, this Act takes effect on July 1, 1966.

(2) The Director of the Student Loan Insurance Fund may be appointed prior to July 1, 1966, and he may take any action prior to July 1, 1966, that is necessary to enable him to exercise on July 1, 1966, the duties, functions, and powers given to him under this Act.

Committee amendment to **HB 13** is as follows:

Amend printed copy of House Bill 13 on page 5, lines 7 and 8, by: inserting between said lines a new section to read:

"Section 13. The Council may in its discretion accept the provisions of any act of Congress appropriating and apportioning funds to the state for use in connection with any phase of the state's system of higher education. It shall prescribe such regulations as its finds necessary to provide for the proper apportionment and disbursement of these funds in accordance with the state and federal laws. The Council may accept and provide for the administration of any gift, donation or devise to it for the benefit of state colleges and universities."

and further amend said bill on page 5, line 8 by striking out the figure "13" and inserting in lieu thereof the figure "14".

The Committee on Constitutional Amendment reported **HB 82** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 82**, AN ACT relating to emergency care of persons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. No person shall be liable in civil damages in connection with administering emergency care or treatment at

the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, for acts performed at the scene of such emergency, unless such acts constitute wilful and wanton misconduct.

Section 2. Nothing in this Act applies to the administering of such care or treatment where the same is rendered for remuneration or with the expectation of remuneration.

## Calender

**HB 257, HB 259, HB 260, HB 100, HB 144, HB 38, HB 86, HB 87, HB 88, HB 91, HB 188, HB 194, HB 122, HB 170, HB 89, HB 96, HB 238, HB 7, HB 132, HB 141, HB 32, HB 8, HB 125, HB 162, HB 219,** and **HR 43** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Eicher announced he would like to be recorded as voting "yea" on **HB 164.** Agreed.

Representative Archie Brown moved that the House adjourn until 4:00 p.m., Monday, February 14, 1966.

On the roll call the vote was yeas 44—Arnett, Ball, Barber, Bates, Blume, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Buky, Caldwell, Chapman, Denham, Floyd, Hale, Hoe, Hoffman, Hopkins, Johnson, Jones, Jordan, Kessinger, Leeds, Martin, John D. Miller, Murphy, Osborn, Overman, Peniston, Pile, W. J. Reynolds, Roberts, Russell, Sartin, Short, Smothers, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wells. Nays 4—Blythe, Harper, Henry, Riddle.

The motion to adjourn was adopted.

## MONDAY, FEBRUARY 14, 1966

## THIRTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Bicknell, Carroll, Sheehan and Young.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 11, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 345,** by Representative Blume: AN ACT relating to collective bargaining for public employees.

**HB 346,** by Representative Blume: AN ACT relating to revenue and taxation.

**HB 347,** by Representative Murphy: AN ACT relating to jailers' fees.

**HB 348,** by Representative Murphy: AN ACT relating to court commissioners and receivers.

**HB 349,** by Representatives Straney and Watkins: AN ACT relating to compensation of county officers and employes.

**HR 68,** by Representative Leeds: A RESOLUTION directing the Department of Parks to investigate the feasibility of acquiring Whitehall, Madison County for use as a state shrine.

**HR 69,** by Representative Cox: A RESOLUTION commending Commissioner Cattie Lou Miller for receiving the Midwest Travel Writers Association's top travel promotion award for 1965.

**HB 350,** by Representative Hoe: AN ACT relating to motor vehicle operator licensing.

**HB 351,** by Representative Morgan: AN ACT relating to police and fire departments in cities of the second and third classes.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Banks and Banking: **HB 339.**

Classification of Cities: **SB 73, SB 86.**

Criminal Law: **HB 333.**

County Government: **HB 308.**

Courts and Legal Procedures: **HB 331, HB 334, HB 335, HB 342, HB 343.**

Education: **HB 306, HB 336.**

Elections: **HB 341.**

Fish and Game: **HB 324.**

Governmental Affairs: **HB 311.**

Insurance: **HB 313, HB 315.**

Judiciary and Judicial Council: **HB 307, HB 312, HB 314.**

Kentucky Statutes # 1: **SB 69, SB 108.**

Kentucky Statutes # 3: **HB 304, HB 309, HB 310, HB 332, HR 62.**

Labor: **HB 316.**

Municipalities: **SB 41.**

Motor Transportation: **HB 305.**

Public Health: **HB 323, HB 344.**

Public Utilities: **HB 340.**

Railroads: **HB 322.**

Regulation of Intoxicating Liquors: **HB 325.**

Revenue and Taxation: **HB 317, HB 318, HB 319, HB 320, HB 321, HR 64.**

Roads and Highways: **HB 337.**

State Fair: **HB 338.**

Veterans and Military Affairs: **HB 326, HB 327, HB 328, HB 329, HB 330.**

### Motions, Petitions, and Communications

Representative Jordan moved that **HB 258** be laid on the table.

On the roll call the vote was yeas 69—Arnett, Ball, Ballenger, Barber, Bartley, Bicknell, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Dempsey, Eicher, Floyd, Harper, Harris, Hinkle, Hislope, Hoe, James E. Hunt, Irick, Jones, Jordan, Kelly, Kessinger, King, Lassiter, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, Clarence R. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Pettit, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Short, Smith, Straney, Stuart, Vanover, Wallace, Warders, Watkins, Wells, Whitlock, Wright, Young. Nays 11—Allen, Bates, Denham, Henry, Keene, Leeds, Peniston, Roberts, Siemens, Smothers, Webster.

**HB 258** was tabled.

Representative Jordan moved that the vote by which **HB 258** was tabled be reconsidered and said motion be laid on the table. Agreed.

**HR 69:** A RESOLUTION commending Commissioner Cattie Lou Miller for receiving the Midwest Travel Writers Association's top travel promotion award for 1965.

WHEREAS, the Commonwealth's fame as a vacation state has been duly publicized by the very capable Kentucky Department of Public Information, under the direction of its able Commissioner, Miss Cattie Lou Miller; and

WHEREAS, the outstanding efforts of this program were recently recognized when the Midwest Travel Writers' Association presented to the Kentucky Department of Public Information its top travel promotion award for 1965, "The Most Effective Travel Coverage of An Area in the World."

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the Department of Public Information and Commissioner Cattie Lou Miller are commended for receiving "The Most Effective Travel Coverage of An Area in the World" award.

Representative Cox moved the adoption of **HR 69.** Agreed.

**HR 68:** A RESOLUTION directing the Department of Parks to investigate the feasibility of acquiring Whitehall, Madison County for use as a state shrine.

WHEREAS, Whitehall was the ancestral home of one of Kentucky's best known statesmen and soldiers, Cassius Clay; and

WHEREAS, preservation of dwellings such as Whitehall is desirable in that such acts also preserve part of the Commonwealth's rich heritage.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

The Department of Parks is directed to investigate the feasibility of acquiring Whitehall, Madison County for use as a state shrine.

Representative Leeds moved the adoption of **HR 68.** Agreed.

## Recess

Representative John Y. Brown moved that the House recess for Committee meetings. Agreed.

Representative John Y. Brown moved that the Special Order be changed from 5:00 p.m. to 5:15 p.m. Agreed.

**Announcements**

The Chairmen of the following Committees called meetings.

Motor Transportation—401. Recess.

Public Utilities—403. 11:30 a.m., February 15.

State Fair—402. Recess.

Appropriations—Speaker's Retiring Room. 10:00 a.m., February 15.

Revenue and Taxation—Wednesday, Adjournment.

Criminal Law—403. Recess.

Alcoholic Beverage—Half-hour before convening.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

**Report of Committees**

The Committee on Motor Transportation reported **HB 181** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 181**, AN ACT relating to motor vehicles and the regulation and registration thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 47.020 of the Kentucky Revised Statutes is amended to read as follows:

*Thirty percent* [One-half] of all revenue raised by the tax imposed by subsections (3) *through (13)* [to (8)] of KRS 186.050 shall be evenly distributed among all the counties for the county road funds.

Section 2. Section 186.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" as used in KRS 186.400 to 186.640 means the Department of Public Safety; except as specifically desig-

nated, "department" as used in KRS 186.020 to 186.270 means the Department of Revenue only with respect to motor vehicles, other than commercial vehicles; "department" as used in KRS 186.020 to 186.270 means the Department of Motor Transportation when used with respect to commercial vehicles.

(2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for the purpose of vehicular traffic.

(3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten new motor vehicles.

(4) "Motor vehicle," as used in KRS 186.020 to 186.260, includes all vehicles, as defined in paragraph (a) of subsection (7) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (7) of this section, which are self-propelled.

(5) "Operator" means any person in actual control of a motor vehicle upon a highway.

(6) "Owner" means a person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.

(7) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such

vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five miles beyond the city limit of any municipality.

(b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracts, or derives its power from overhead wires.

(8) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses.

(9) "Dealer" means any person engaging in the business of buying or selling motor vehicles.

(10) "Commercial Vehicles" means all motor vehicles that are required to be registered under the terms of KRS 186.050 [and KRS 186.055], but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers (including driver), motorcycles, side car attachments and motor vehicles registered under KRS 186.060.

Section 3. Section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration in accordance with regulations issued by the department, except that a person who purchases a motor vehicle, or brings a motor vehicle into the Commonwealth from another state shall make application for registration within five days. The bill of sale must be in the motor vehicle during this five day period. If the owner of a motor vehicle is an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which he resides. If the owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle shall be registered with the

county clerk of the county in which the motor vehicle is principally operated. If the owner of a motor vehicle is other than an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of either such county. The application when presented to the county clerk for registration shall be accompanied by:

(a) A bill of sale and a manufacturer's certificate of origin if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

(2) After that, the owner *of any motor vehicle registered under KRS 186.050 (1) and (2)* shall register his motor vehicle on or before March 1 of each year. If, before operating such motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

*(3) After that, the owner of any commercial vehicle registered under KRS 186.050 (3) through (13) shall register his commercial vehicle on or before April 1 of each year. If, before operating such commercial vehicle in this state, the owner registers it at some later date and pays the required fee, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.*

*(4)* [(3)] The application and documents presented therewith shall be retained on file in the office of the clerk for a period of not less than seven years.

Section 4. Section 186.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon receiving the application and fee, the county clerk shall issue to the owner a registration receipt containing the information required by subsection (2) and a registration plate. If the department finds that there is a shortage of materials suitable for making plates, or that a substantial saving will result, it may require by regulation with the approval of the Governor that previously issued plates continue to be used for a designated period. For services performed, the owner shall pay the county clerk the sum of fifty cents for each registration in addition to the registration fee *for vehicles having a declared gross weight of 18,000 pounds or less and shall pay the county clerk the sum of one dollar for each registration of a vehicle having a declared gross weight of 18,001 pounds or more.*

(2) The registration receipt shall contain the registration number, the names and post office addresses of the owner and the secured party as shown by the financing statement on file in the office of the county clerk and such other information as the department may require. The owners copy of such receipt shall bear the seal of the county clerk who issued same. No fee shall be charged for placing such seal on the owner's copy of the receipt.

(3) If a motor vehicle, other than a new motor vehicle, is registered in this state under the authority of a bill of sale, registration receipt or title, the registration receipt shall show the title or the registration number and the name of the state issuing same under which the motor vehicle was last registered in addition to the other required information.

Section 5. Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) through *(13)* [(8)], shall be as follows:

| Declared Gross Weight *of Vehicle and Any Towed Unit* | Registration Fee |
|---|---|
| 0- 6,000 | $ 10.00 |
| 6,001-10,000 | 24.00 |
| 10,001-14,000 | 30.00 |
| 14,001-18,000 | *50.00* [ 40.00] |
| 18,001-22,000 | *132.00* [ 48.00] |
| 22,001-26,000 | *160.00* [ 54.00] |
| 26,001-32,000 | *216.00* [ 78.00] |
| 32,001-38,000 | *300.00* [114.00] |
| 38,001-44,000 | *474.00* [150.00] |
| 44,001-62,000 | *588.00* [250.00] |
| 62,001-73,280 | *750.00* [276.00] |

[The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.]

(4) Any farmer owning a truck having a gross weight of 24,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50. The applicant's signature upon the registration receipt shall constitute a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 24,000 pounds or less, [that he has caused to be printed upon each side of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height,] and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, [and] machinery, [used in operating his farm] *livestock, materials and supplies necessary for his farming operation,* and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50

by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

[(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.]

*(7)* [(8)] Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

*(8) Motor vehicles having a declared gross weight in ex-*

*cess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the limits of the city if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of non-residents to exemption from registration under any other provisions of the laws granting reciprocity to non-residents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the registration certificate shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.*

*(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railhead or tipple is located at a point not more than fifty air miles from the point at which such coal is mined, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set out in subsection (3) hereof. The applicant's signature upon the registration receipt shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.*

*(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semi-trailers, by means of the full mount or truckaway methods on trailers or semi-trailers, shall pay an amount equal to three-fourths of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county court clerk*

*a certification from the department that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the Department of Revenue copy of the registration receipt.*

*(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may re-register such vehicle and obtain a "For Sale" registration receipt for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056 (2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.*

*(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.*

*(13) The registration fee on any vehicle registered under this section shall be increased fifty percent when such vehicle is not equipped wholly with pneumatic tires.*

Section 6. Section 186.056 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Whenever the ownership of a vehicle *which has been registered at a declared gross weight in excess of 18,000 pounds under KRS 186.050* [for which weight fees are paid under KRS 186.055] is changed [and the use of such vehicle is changed so that it is no longer liable for the payment of such weight tax], a refund of *that* [the] portion of the tax paid allocable to the remainder of the unexpired period for which the tax was paid

may be refunded as provided for destroyed vehicles in KRS 186.120 (1) *and in accordance with regulations adopted hereunder.*

*(2) In the event a vehicle is registered in accordance with KRS 186.050 (11) the seller may obtain a refund of the portion of the tax which he had theretofore paid allocable to the remaining complete quarters of the unexpired period for which the tax was paid in the same manner as provided for destroyed vehicles in KRS 186.120, and in accordance with regulations adopted hereunder.*

Section 7. Section 186.059 of the Kentucky Revised Statutes is amended to read as follows:

(1) Operation of a commercial vehicle at a gross weight in excess of the declared gross weight at which such vehicle is registered under subsection *(8), (9) or (10)* [(3)] of KRS 186.050, [notwithstanding any of the provisions of subsection (4) of KRS 186.055, KRS 281.814 or the exemption provided in KRS 186.058 for coal trucks,] shall make any owner or operator, otherwise entitled to such *reduced fee set out therein* [exemption] ineligible for same for the entire license year.

(2) The department, upon receipt of information substantiated by affidavit, that any owner or operator is operating a motor vehicle in excess of the gross weight at which it is registered under subsection *(8) (9) or (10)* [(3)] of KRS 186.050, may issue notice to such owner or operator advising that he is ineligible for such *reduced fee* [exemption] or, [if the exemption has been previously granted,] that *the privilege* [same] is revoked for the current license year. Within thirty days of the date of the issuance of such notice any affected owner or operator may request a hearing before the department to be conducted in accordance with the provisions of KRS Chapter 281 and the rules and regulations adopted thereunder. Failure to request a hearing within thirty days of the date of the issuance of such notice shall make the ruling absolute and the owner or operator shall be liable for the payment of the fees applicable under KRS 186.050 *(3)* [186.055 and 281.810] for the entire license year.

(3) In the event a hearing is requested in accordance with the provisions of subsection (2) of this section, the owner or

operator shall not be entitled to the *reduced fee* [exemption] during the interim between the application for hearing and the department's determination, unless he shall file with the department a bond in the amount of *Five hundred dollars* [$500] per vehicle to be applied to the payment of any taxes which the department, as a result of such hearing, may determine are due the Commonwealth.

(4) The question for determination at any hearing held at the request of an owner or operator receiving such notice from the department shall be whether or not such owner or operator has operated a commercial vehicle in excess of the declared gross weight at which it is registered under subsection *(8), (9) or (10)* [(3)] of KRS 186.050. The burden of proof shall be upon the department to show such unlawful operation. Any final determination of the department shall be subject to appeal to the Franklin Circuit Court and to the Court of Appeals in accordance with the provisions of KRS 281.780 and 281.785, and any bond posted with the department shall be held pending the judgment of the highest court to which the matter is appealed.

Section 8. Section 186.076 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Revenue may revoke the license of any motor vehicle dealer who acquires a used motor vehicle for cash, trade-in, or in any other manner, and fails to have the registration transferred to him prior to the time the vehicle is sold or otherwise transferred to another person, [.] *or within ten days after acquired, whichever may be sooner.* Such person shall be afforded to full opportunity to defend himself against any such charge under rules and regulations adopted by the Department of Revenue governing the procedure for such revocation action. Provided, however, that such dealer shall have the right to appeal any order of revocation entered by the Department of Revenue to the Kentucky Board of Tax Appeals as provided by law.

Section 9. Section 186.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any motor vehicle *other than a commercial vehicle* upon which the license tax has been paid is destroyed by fire

or accident, so that the vehicle is rendered entirely useless the owner shall be entitled to have refunded to him a part of the license fee paid by him proportionate to the unexpired part of the calendar year for which the license was granted.

*(2) If any commercial vehicle upon which the license tax has been paid is destroyed by fire or accident so that the vehicle is rendered entirely useless the owner is entitled to have refunded to him that portion of the tax which he had theretofore paid allocable to the remaining complete quarters of the unexpired period for which the tax was paid.*

*(3)* [*(2)*] To obtain the refund, the owner whose *motor vehicle* [car] has been destroyed shall apply to the Department of Revenue, submitting his [own] affidavit and the affidavits of two reputable persons, attesting to the fact that the vehicle has been destroyed, and the manner of destruction, and shall return the original license plates to the Department of Revenue. The Department of Revenue shall examine all applications and investigate the claims for refund, and if a claim is found to be correct, it shall approve it for payment, whereupon the Department of Finance shall draw a warrant upon the State Treasurer in favor of the owner of the destroyed vehicle, and charge the amount of it to the State Road Fund.

Section 10. Section 186.130 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* If any person becomes the owner of a motor vehicle *other than a commercial vehicle* after January 1 of any year, and for that reason registers for only part of a year, the registration fee shall be as many twelfths of the annual fee as there are unexpired months in the calendar year.

*(2) If any person offers a commercial vehicle for registration after June 30 of any year by reason of not having operated such vehicle on the public highways after April 1 of that year, the registration fee shall be three-fourths of the annual registration fee if registered after June 30 and prior to September 30 of that year; and shall be one-half of the annual registration fee if registered on or after October 1 and before January 1 of the following year; and shall be one-fourth of the annual registra-*

*tion fee if registered on January 1 or thereafter for the balance of the registration year which expires March 31. Provided, however, that any proper 1966 registration of a commercial vehicle shall remain valid until April 1, 1967, and any commercial vehicle offered for registration between January 1, 1967 and June 30, 1967 shall pay the full annual registration fee and shall be issued a 1967 registration plate.*

Section 11. Section 186.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in this subsection and in KRS *186.045* [186.195] the owner shall have the receipt issued by the department through the county clerk constantly in his possession, and shall display the registration plate conspicuously upon the rear of the motor vehicle, [.] *except that the registration plate upon a semitrailer-tractor shall be displayed upon the front of the tractor.* The owner's copy, or a reproduced copy thereof, of the registration receipt of every motor vehicle licensed under subsections (3) *through (13)* [to (8)] of KRS 186.050 [or KRS 186.055] shall be kept in the vehicle at all times and shall be available for inspection. Plates shall be kept legible at all times and the rear plate shall be illuminated when being operated during the hours designated in KRS 189.030. If the department has prescribed that plates shall continue in use, it shall each year, in addition to the registration receipt, select and give to the owner as further evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year. It shall be the duty of the owner to attach same in the prescribed manner and no person may operate a motor vehicle unless such insignia is so affixed upon it. The department shall have placed on said insignia either figures, letters, writing, marks or a combination thereof, which indicate that the motor vehicle has been registered and which in conjunction with the records of the department make identity of the registrant readily ascertainable.

(2) *Except as otherwise provided for commercial vehicles, trailers, semitrailers and house trailers,* the registration year shall be from January 1 to December 31; however, registration plates for the succeeding year may be displayed beginning December

29. *The registration year for commercial vehicles, trailers, semi-trailers and house trailers shall be from April 1 to March 31.*

Section 12. Section 186.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any motor vehicle not previously registered in this state shall not be registered by the county clerk unless such vehicle shall have been inspected by the sheriff or his deputy of the county in which the motor vehicle is required by law to be registered if that county contains a city of the first or second class, or by a city or county peace officer of the county in which the vehicle is required by law to be registered in other counties of the state. Such inspection officer shall make a record of inspection on forms prescribed by the department. The applicant shall pay the inspection officer a fee of one dollar for making the inspection.

(2) New motor vehicles sold by a dealer licensed in this state and motor vehicles required to be registered under *subsections* [subsection] (3) *through (13)* of KRS 186.050 in this state by reason of lack of reciprocity pursuant to reciprocity agreements with other jurisdictions, may be registered by the county clerk without having been inspected.

(3) If inspection is required under this section, it may be made in another county or state as long as the proper officer referred to in subsection (1) of this section makes the inspection.

(4) Motor vehicles owned by servicemen or servicewomen who are residents of Kentucky stationed outside of Kentucky, may be inspected by the post provost or similar officer of the camp, post or station. The post provost or similar officer shall submit an affidavit stating the name of the owner, the identification or serial number, the make, body, style, current license or title number, if any, and state in which currently registered or title, if any, of the motor vehicle.

(5) Motor vehicles operated by a motor carrier under a certificate or permit issued by the Department of Motor Transportation shall not be required to be inspected prior to registration.

Section 13. Section 186.240 of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official," "Highway," "Executive," "Farm," or in the case of plates for commercial vehicles, such words or information as the Department of Motor Transportation may by regulation provide and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state. A state slogan may be placed upon such plate if so desired.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1, [.] *or, in the case of commercial vehicles, trailers, semitrailers and house trailers, not later than February 1.*

(5) The Department of Revenue shall receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit of the State Road Fund. Out of this fund there shall be appropriated to the Department of Revenue and the Department of Motor Transportation an amount to be expended in the manner provided by law for the administration of their functions with regard to KRS 186.020 to 186.260.

(6) The Department of Revenue shall require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(7) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the department.

Section 14. Section 186.650 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 186.650 to 186.700:

(1) A "trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle being so constructed that no part of its weight rests upon the towing vehicle.

(2) "Semitrailer" means any vehicle designed for carrying persons or property and for being drawn by a motor vehicle and is so constructed that some part of its weight and some part of its load rests upon or is carried by another vehicle.

(3) "Housetrailer" means any vehicle used, or maintained for use, as a conveyance upon highways, designed and constructed in such a manner as will permit occupancy thereof as a temporary dwelling, or as sleeping places for one or more

persons, or the conduct of any business or profession, occupation or trade having no other foundation than wheels or jacks, and not being used in one location as a permanent dwelling.

*(4) "Camping Trailer" means any house trailer less than twenty-five feet in length and includes a trailer which may be expanded for camping purposes.*

(5) [(4) (a) After December 31, 1962,] "Department" means the Department of Motor Transportation.

[(b) Before January 1, 1963, "department" means the Department of Revenue.]

Section 15. Section 186.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any owner or operator of a trailer, semitrailer or housetrailer may operate or permit the operation of such vehicles upon the highways, the owner shall apply for registration to the county clerk of the county in which he resides or in which such vehicles are principally operated. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new trailer, semi-trailer or house-trailer; or

(b) The owner's registration receipt, if the trailer, semi-trailer or house-trailer was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a trailer, semi-trailer or house-trailer to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a trailer, semi-trailer or house-trailer to obtain a certificate of title or ownership; or

(e) Affidavit from the owner of a trailer, semi-trailer or house-trailer assembled or constructed for his personal use on the highways; or

(f) Affidavit from the owner of a trailer, semi-trailer or house-trailer where the bill of sale for such vehicle has been lost, destroyed or stolen.

(2) The affidavit required in paragraph (e) shall contain the owner's name, address, date, brief description and a statement that the trailer was constructed by the owner for use on the highways and any additional information that the department may from time to time prescribe by regulation.

(3) The affidavit required in paragraph (f) shall contain the owner's name, address, date, make, year made, serial or identification number, from whom purchased, date of purchase, that the person making the affidavit is the sole owner, the circumstances under which the bill of sale was lost, destroyed or stolen, and any additional information that the department may from time to time prescribe by regulation.

(4) After that, he shall register his trailer, semi-trailer or house-trailer on or before *April 1* [March 1] of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

[(5) Trailer or semitrailers operated by motor carriers as defined under KRS chapter 281 will be licensed with the Department of Motor Transportation for the year 1962. After 1962, all trailers will be licensed in accordance with the provisions of this section.]

Section 16. Section 186.665 of the Kentucky Revised Statutes is amended to read as follows:

If an owner because of sickness or absence from the state is unable to renew the registration of his trailer, semitrailer or housetrailer on or before *April 1* [March 1], he will be deemed to have complied with the law, if before operating the trailer, semitrailer or housetrailer in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before *April 1* [March 1]. The owner shall file with the application an affidavit showing sickness or absence.

Section 17. Section 186.675 of the Kentucky Revised Statutes is amended to read as follows:

The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under

KRS 186.050 (1) shall be $4.50. The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (3) *through (13)* shall be $19.50. The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of boats, luggage, personal effects, farm products, farm supplies or farm equipment. The registration fee for housetrailers shall be $9.50. *The registration fee for camping trailers shall be $4.50.* The clerk shall issue the registration plate furnished by the department and shall be paid for this service the sum of fifty cents.

Section 18. Section 186.680 of the Kentucky Revised Statutes is amended to read as follows:

If any person becomes the owner of a trailer, semitrailer or housetrailer after *April 1* [January 1] of any year, and for that reason registers for only part of a year the registration fee shall be as many twelfths of the annual fee as there are unexpired months in the *registration* [calendar] year.

Section 19. Section 186.690 of the Kentucky Revised Statutes is amended to read as follows:

Sections 186.045 *and* 186.070 through 186.240 of the Kentucky Revised Statutes shall apply to the registration of trailers, semi-trailers and housetrailers in so far as practicable.

Section 20. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

*On or before March 1 of each year and as a condition precedent to the use of the highways, every carrier or motor carrier operating airport limousines shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used in the amount of three dollars for each regular seat, in addition to the fee imposed by KRS 186.050 (1), if applicable.*

Section 21. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

*(1) On or before January 1 of each year, and as a con-*

*dition precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used, as follows: Four dollars and fifty cents for each regular seat for the first thirty-one seats, and eight dollars for all seats in excess of thirty-one; except as provided in subsection (2) of this section and except that taxicabs, city buses, industrial buses, suburban buses, and U-Drive-Its, shall pay the fees set forth in subsection (4) of this section.*

*(2) (a) Any such motor carrier engaged in regular route interstate commerce or combined interstate and intrastate commerce and operating two or more vehicles in Kentucky shall be required to pay only that portion of a tax imposed by subsection (1) as the number of miles operated by such fleet of motor vehicles in Kentucky bears to the total miles operated by such fleet in any license year, or portion thereof.*

*(b) Any such motor carrier shall prior to January 1 of each license year, and as a prerequisite to operating on the highways of this state, obtain a permit from the Department of Motor Transportation and at that time shall pay its estimated tax hereunder, as determined by the Department of Motor Transportation's applicable regulations, and execute bond for any additional tax which might be due, with or without surety thereon, as the Department of Motor Transportation in its discretion and according to its regulations might require.*

*(c) The Department of Motor Transportation is authorized and directed to promulgate such rules and regulations as may be necessary to effectuate the apportionment of taxes prescribed in subsection (2). Such regulations shall provide that the estimate of such taxes for any license year shall be that proportion that would have been due in the prior license year and shall further provide for a license year-end accounting with a system of credit or deficiency assessment in any amount by which the estimate differs from the tax due hereunder.*

*(3) Every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways, including*

*deadhead mileage, a mileage tax as follows: Buses with one to twenty regular seats inclusive, none; buses with twenty-one to twenty-nine regular seats, inclusive, one-fourth of a cent per mile; buses with thirty to thirty-four regular seats, inclusive, one-half of a cent per mile; buses with thirty-five to thirty-nine regular seats, inclusive, three-fourths of a cent per mile; buses with forty regular seats or more, one cent per mile, except that taxicabs, city buses, industrial buses, suburban buses and U-Drive-Its shall pay the fees set forth in subsection (4) of this section, in addition to all fees set forth in KRS 186.050 (1) if applicable.*

*(4) Taxicabs, city, suburban and industrial buses, and U-Drive-Its, shall pay the following annual license fees:*

| | |
|---|---|
| *Each taxicab* | *$3.00 per seat* |
| *Each city bus* | *5.00 per vehicle* |
| *Each industrial bus* | *2.50 per seat* |
| *Each suburban bus* | *5.00 per vehicle* |
| *Each U-Drive-It passenger car* | *2.50 per seat* |

*(5) All cities of the Commonwealth are hereby authorized to impose an annual license tax on all taxicabs certified by the Department of Motor Transportation for operation in said city, which license tax shall not exceed thirty dollars per taxicab.*

Section 22. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

*(1) On or before March 1 of each year and as a condition precedent to the use of the highways, every motor carrier engaged in the driveaway business as defined by KRS 281.014 (5) shall pay to the Department of Motor Transportation an annual license fee of two hundred fifty dollars which shall be in lieu of the fee set out in KRS 186.050.*

*(2) In addition to the annual license fee imposed by subsection (1) each motor carrier operating as a driveaway shall procure from the Department of Motor Transportation a license tag to be prominently displayed on each unit transported by this method. For such license tag, the carrier shall pay to the de-*

*partment a fee of five dollars each. The said tag may be transferred from one transported unit to another for re-use.*

Section 23. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

*(1) Every dealer in motor trucks or tractors to be used in combination with semitrailers who engages in the practice of transporting property for demonstration purposes shall pay to the Department of Motor Transportation an annual tax based on the gross weight of the motor vehicle so demonstrated an amount equal to one-half the registration fee imposed by KRS 186.050 (3). The Department of Motor Transportation shall issue a metal license plate designated "dealer demonstration." The use of such tag shall be limited to demonstration purposes, and the tag may be transferred from one vehicle to another. The Department of Motor Transportation may adopt regulations governing the use and transfer of such license tags.*

*(2) Vehicles used for demonstration and displaying the tag issued hereunder shall not be required to display dealer tags which may be required under the provisions of KRS 186.070.*

Section 24. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

*(1) The mileage tax imposed by this Act shall be paid monthly. To insure payment of the mileage tax, no certificate or permit or renewal thereof authorizing the transportation of persons for hire shall be issued until there has been filed with the Department of Motor Transportation a bond in the amount estimated by said department to be three times the amount due for one month, or, in lieu thereof, cash of an equivalent amount.*

*(2) If any person required to pay a seat tax under this Act begins the operation of any motor vehicle covered by those sections after January 1 in any year, the tax shall be as many twelfths of the annual fee as there are unexpired months in the calendar year.*

Section 25. Section 189.260 of the Kentucky Revised Statutes is amended to read as follows:

Every motor vehicle licensed under KRS 186.050 (3) *through (13)* [and 186.055] shall display all plates issued by the county clerk. Except as provided in KRS *186.045* [186.195], the registration receipt shall be kept in the truck at all times and shall be available for inspection.

Section 26. Section 189.275 of the Kentucky Revised Statutes is amended to read as follows:

It is unlawful for any house trailer to be towed on any highway in this state if it exceeds eight feet in width, or if the combined towing vehicle and house trailer exceeds *fifty-five* [fifty] feet in length, one or both, unless and until a permit authorizing such towing of such house trailer shall have been issued by the Department of Highways as provided for motor trucks, tractors, semitrailers, and trailers in KRS 189.270.

Section 27. Section 281.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any certificate or permit will be issued or renewed, the applicant or holder of the certificate or permit must file or have on file with the department an approved indemnifying bond or insurance policy issued by some surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until cancelled under proper notice. The bond or policy shall have attached thereto the state insurance endorsement. All bonds or policies required herein must be issued in the name of the holder of the certificate or permit. [;] [provided, however, and except as otherwise provided herein, such bond or insurance policy in the case of a U-Drive-It or automobile utility trailer lessor shall meet the requirements provided for in KRS 187.490.] In lieu of the bond or policy, the department, under appropriate rules and regulations, may require the filing of an approved certificate of insurance, the term of which shall be continuous and shall remain in force and effect until cancelled under proper notice.

*(2) The bond or policy required of a U-Drive-It or automobile utility trailer lessor shall provide public liability and property damage coverage when operated either by the lessee or lessor thereof or agents, servants or employees of either.*

*(3)* [(2)] All bonds or policies shall provide blanket coverage for all equipment operated pursuant to the certificate or permit.

*(4)* [(3)] Effective January 1, 1957, the types and minimum amounts of insurance to be carried on each vehicle are as follows:

MOTOR VEHICLES FOR THE TRANSPORTATION OF PERSONS, INCLUDING U-DRIVE-ITS

| Capacity | Death or Injury to Any One Person | Total Liability for Death or Injury to Persons | Property Damage |
|---|---|---|---|
| 7 persons or less | $10,000.00 | $20,000.00 | $5,000.00 |
| 8 to 16 inclusive | 10,000.00 | 30,000.00 | 5,000.00 |
| 17 to 25 inclusive | 10,000.00 | 40,000.00 | 5,000.00 |
| 26 or more | 10,000.00 | 50,000.00 | 5,000.00 |

MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY, INCLUDING U-DRIVE-ITS AND AUTOMOBILE UTILITY TRAILERS

| Gross Weight | Death of or Injury to Any One Person | Total Liability for Death of or Injury to Persons | Property Damage |
|---|---|---|---|
| 18,000 lbs. or less | $10,000.00 | $20,000.00 | $5,000.00 |
| More than 18,000 lbs. | 10,000.00 | 30,000.00 | 5,000.00 |

*(5)* [(4)] Any carrier or motor carrier using any vehicle for the transportation of inflammables, explosives or petroleum or petroleum products in bulk shall have the following types and minimum amount of insurance carried on each such vehicle:

| Death of or Injury to Aany One Person | Total Liability for Death of or Injury to Persons | Property Damage |
|---|---|---|
| $10,000.00 | $30,000.00 | $25,000.00 |

*(6)* [(5)] Before any Kentucky intrastate certificate, exclusively authorizing the transportation of property, except an irregular route common carrier certificate exclusively authorizing the transportation of Kentucky exempted commodities, shall be issued or renewed, the applicant or holder of the certificate must file or have on file with the department an approved insurance policy or bond compensating shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into possession of the carrier in connection with its transportation service, (a) for loss of or damage to property carried on any one motor vehicle in the amount of *five thousand dollars* [one thousand dollars]; (b) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place in the amount of *ten thousand dollars* [two thousand dollars]. Said policy or bond shall have attached thereto the Kentucky cargo policy endorsement and must be issued by some insurance or surety company authorized to transact business within the Commonwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until cancelled under proper notice. In lieu of the bond or policy, the department, under appropriate rules and regulations, may require the filing of an approved certificate of insurance, the term of which shall be continuous and shall remain in force and effect until cancelled under proper notice.

*(7)* [(6)] The department may by regulation require motor carriers for hire operating exclusively in interstate commerce to file proof of cargo insurance coverage in such form and in such amounts as the commissioner deems advisable.

*(8)* [(7)] No insurance company or insurance carrier issuing any policy filed with the department, and no surety or obligor on any bond or contract filed with the department, shall be relieved from liability under the policy, bond or contract until

after the expiration of fifteen days' notice to the department of an intention to cancel the policy, bond or contract, provided, however, that a prior cancellation may be allowed in cases where one policy, bond or contract is substituted for another policy, bond or contract where such substituted policy, bond or contract is of force and effect at a point in time prior to the expiration of fifteen days' notice to the department of an intention to cancel the policy, bond or contract for which such additional policy, bond or contract is being substituted. The acceptance of any notice of an intention to cancel any policy, bond or contract or the cancellation of any policy, bond or contract by the department, unless under the circumstances hereinbefore set forth, shall not relieve the insurance company, insurance carrier, surety or obligor of any liability that accrued prior to the effective date of the cancellation.

*(9)* [(8)] Upon the cancellation of any bond or insurance policy required by this section, all operating rights granted by the certificate or permit for which said bond or policy was filed, shall immediately cease, and the department is empowered to immediately require the cessation of all operations conducted under authority of said certificate or permit, and to require the surrender of all certificates, permits, licenses and other evidence of a right to act as a motor carrier.

*(10)* [(9)] The department may exempt in whole or in part from the requirements of this section any person who applies for such exemption and shows to the satisfaction of the department that, by reason of the financial ability of the person applying, there is due assurance of the payment of all damages for which he may become liable as a result of the operation of any vehicle owned by him or operated under authority of his certificate or permit.

Section 28. Section 281.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) Under rules and regulations prescribed by the department, every common carrier or irregular route common carrier, *except carriers operating pursuant to a local cartage certificate or a taxicab certificate,* shall maintain on file with the department a schedule of rates, fares, charges and classifications, and a time

schedule, if any, of all motor vehicles operated under a certificate, and shall keep open for public inspection at designated offices so much of such schedules as the department deems necessary for public information. The carriers may become a participating party to a tariff published or issued by another carrier or a tariff issuing agency, and the issuing agent of the tariff may file the tariff with the department, but such tariff issuing agent may not represent any carrier in any matters before the department. *Notwithstanding the exclusion of carriers aperating pursuant to a local cartage certificate or to a taxicab certificate, the department may by regulation require such carriers to file a schedule of their rates, fares, charges and classifications.*

(2) Under rules and regulations prescribed by the department, every contract carrier shall maintain on file with the department all contracts made for transportation, and shall keep open for public inspection at designated offices such contracts as the department deems necessary for public information.

(3) No schedule of rates need be filed for the transportation of any commodity that has been exempted by the department, except that the department may require the filing of a schedule of rates.

(4) The department shall have full power concerning the control of rates and contracts under its rules and regulations.

Section 29. Section 281.835 of the Kentucky Revised Statutes is amended to read as follows:

To carry out the declaration of policy provided for in KRS 281.590, the department may enter into reciprocity agreements with other jurisdictions whereby motor vehicles, as defined in KRS 186.010 and subsection (2) of KRS 281.011, while operating into or through the Commonwealth of Kentucky in interstate commerce and properly licensed in another state, shall be exempt in whole or in part from registration fees *and seat and mileage taxes* under KRS Chapter 186 [and the weight tax or mileage tax and seat tax under this chapter], provided like or similar privileges are granted motor vehicles, as defined in KRS 186.010 and subsection (2) of KRS 281.011, properly licensed in this state.

Section 30. Section 281.836 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Motor Transportation is authorized and directed to negotiate with other states pursuant to the provisions of KRS 281.835 for the purpose of developing a reciprocal method of proportionate registration of fleets of motor vehicles engaged in interstate commerce and operating into or through the Commonwealth of Kentucky [and to make such recommendations to the 1958 General Assembly respecting such formula or method or proportionate registration of fleets of motor vehicles as will compensate fairly the Commonwealth of Kentucky for the use of its highways by such vehicles and preserve reciprocity with other states in the United States. The Department of Motor Transportation shall make such other recommendations as the General Assembly may request or direct or as the department may deem desirable in performing the duties required of it by KRS 281.590]. *Notwithstanding the provisions of KRS 186.020, the department may promulgate regulations concerning the registration of motor vehicles under this section and may provide for direct issuance by it of evidence of payment of any registration fees required hereunder.*

Section 31. Section 281.838 of the Kentucky Revised Statutes is amended to read as follows:

Any person who is a non-resident of the Commonwealth of Kentucky and who operates any motor vehicle as defined in subsection (2) of KRS 281.011 not entitled to exemption from the payment of the fees imposed by *KRS 186.050* [KRS 186.055 or 281.810] by reason of the terms of a reciprocal agreement existing between the Commonwealth of Kentucky and the state in which such vehicle is licensed, may, in lieu of the payment of the fees imposed by *KRS 186.050* [KRS 186.055 or 281.810], obtain from the Department of Motor Transportation a temporary permit. Under regulations adopted by the Department of Motor Transportation application for such a temporary permit shall be made and such permits shall be issued for a specified period not exceeding ten days, and each such permit shall be issued for a specific vehicle upon the payment of a fee of $25.00 for each such permit.

Section 32. *Any person who violates, or causes, aids, or abets any violation of Sections 21, 22, 23, and 24 of this Act or of any order, rule, or regulation lawfully issued pursuant thereto, shall be fined not less than fifteen dollars nor more than two hundred dollars, or imprisoned for not more than thirty days, or both.*

Section 33. The following sections of the Kentucky Revised Statutes are repealed: 186.055, 186.058, 281.810, 281.811, 281.812, 281.814, 281.815, 281.816, 281.817, 281.818, 281.825, 281.840.

Section 34. This Act shall become effective January 1, 1967.

The Committee on State Fair reported **HB 338** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 338,** AN ACT relating to speed limits on the State Fair Grounds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The State Fair Board is authorized to establish by resolution speed limits governing the operation of motor vehicles on State Fair Grounds property.

(2) Notice to the public of any speed limits thus established shall be given by signs or markings.

(3) Any person who violates any speed limit established by the State Fair Board shall be fined not less than ten nor more than one hundred dollars.

The Committee on Library and Historical Records reported **HB 271** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 271,** AN ACT relating to the dissolution of City, County and Regional Libraries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 173.800 is amended to read as follows:

A district may be dissolved in the following manner:

(1) Upon filing of a duly certified petition of fifty-one percent of the number of qualified voters who voted in the last general election in the district, the fiscal court of each county in the district shall adopt a resolution to dissolve a library district.

(2) The petition shall be in substantially the following form: "The following qualified voters in (insert name of county or counties) favor dissolving the (insert name of district) public library district." It shall be presented to the fiscal court within ninety days after having been signed by the first petitioner.

(3) A certified copy of the order of the fiscal court shall be filed with the county clerk.

(4) The county clerk or clerks in the district will thereupon remove the tax levy from the tax bills of the property owners of the district and the district shall be dissolved.

*(5) A petition for dissolution will not be considered of any legal effect if, at any time prior to the filing of such a petition for dissolution, contractual obligations have been assumed by pertinent contracting parties in connection with subject library. After all contractual obligations, existing prior to the time of the attempted filing of such petition for dissolution, have been satisfied, then, at such time, a petition for dissolution may be effectively filed under this section, provided that other provisions of this section are complied with.*

## Calendar

**SB 104, HB 54, HB 148, HB 166, HB 211, HR 14, HR 15, SR 6, SR 7, HB 13** and **HB 82** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

**Special Order**

**HB 165** taken from Orders of the Day and ordered read at length for the third time. Representative Pettit moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McCowan moved that **HB 165** be laid on the table.

On the roll call the vote was yeas 10—Bartley, Bicknell, Clapp, Jones, Kessinger, McCowan, Peace, Riddle, Secrest, Wallace. Nays 58—Allen, Arnett, Barber, Bates, Billings, Blume, Bondurant, Bourne, Brady, John Y. Brown, Carroll, Chapman, Cox, Criscillis, Denham, Hale, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jordan, Keene, Kelly, King, Leeds, Majors, Martin, McBrayer, McNamara, John D. Miller, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Jr., Roberts, Sartin, Short, Siemens, Smith, Straney, Stuart, Tucker, Vanover, Watkins, Webster, Wells, Wheeler, Whitlock, Young.

The motion that **HB 165** be laid on the table was rejected.

On the roll call the vote was yeas 73—Allen, Arnett, Ball, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Cox, Criscillis, DeMarcus, Denham, Eicher, Hale, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Russell, Sartin, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wells, Wheeler, Whitlock, Young. Nays 9—Bartley, Clapp, Dempsey, Kessinger, Maddox, McCowan, Peace, Riddle, Wallace.

**HB 165** was passed and the title agreed to.

Representative John Y. Brown moved that the vote by which **HB 165** was passed be reconsidered and said motion be laid on the table. Agreed.

**Orders of the Day**

**HB 72** taken from Orders of the Day and ordered read at length for the third time. Representative Denham moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92—Allen, Arnett, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 1—Ball.

**HB 72** was passed and the title agreed to.

Representative Denham moved that the vote by which **HB 72** was passed be reconsidered and said motion be laid on the table.

Representative Straney moved that **HB 53** be taken from the Orders of the Day and recommitted to the Committee on Agriculture. Agreed.

**HB 84** taken from Orders of the Day and ordered read at length for the third time. Representative Straney moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Allen, Arnett, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Criscillis, DeMarcus, Dempsey, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler,

Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 84** was passed and the title agreed to.

**HB 103** taken from Orders of the Day and ordered read at length for the third time. Representative Carroll moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 95—Allen, Arnett, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 103** was passed and the title agreed to.

Representative Bondurant moved that consideration of **HB 107, HB 257, HB 259,** and **HB 260** be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative John Y. Brown moved that consideration of **HB 100** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Pettit moved that **HB 86** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative John Y. Brown moved that consideration of **HB 86** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 87** taken from Orders of the Day and ordered read at length for the third time. Representative Pettit moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved that consideration of **HB 87** be deferred and that it retain its position in Orders of the Day. Representative Isler withdrew his motion. Agreed.

On the roll call the vote was yeas 54—Allen, Arnett, Ballenger, Barber, Bates, Billings, Blume, Bondurant, Bourne, John Y. Brown, Bruce, Buky, Carroll, Denham, Hale, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Irick, Johnson, Jones, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, McBrayer, McNamara, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Riddle, Roberts, Siemens, Smith, Smothers, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wheeler, White. Nays 26—Ball, Bartley, Bicknell, Blythe, Brady, Archie Brown, E. G. Brown, Caldwell, Clapp, Criscillis, Dempsey, Eicher, Howard P. Hunt, Jr., James E. Hunt, Isler, Maddox, McCowan, McIntyre, Peace, Russell Reynolds, Russell, Sartin, Secrest, Wallace, Wells, Young.

**HB 87** was passed and the title agreed to.

Representative John Y. Brown moved that the House adjourn until 12 noon, Tuesday, February 15, 1966.

On the roll call the vote was yeas 53—Arnett, Ball, Barber, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Archie Brown, John Y. Brown, Bruce, Buky, Chapman, Chaudoin, Clark, Criscillis, Denham, Floyd, Henry, Hislope, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, McIntyre, Osborn, Overman, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sartin, Short, Smothers, Straney, Tucker, Vanover, Watkins, Webster,

Wells, Wheeler, Young. Nays 24—Ballenger, Brady, Caldwell, Clapp, Dempsey, Eicher, Hale, Harper, Hinkle, Hoe, James E. Hunt, McBrayer, McNamara, John D. Miller, Murphy, Ostertag, Pettit, Riddle, Secrest, Smith, Stuart, Warders, White, Wright.

The motion to adjourn was adopted.

## TUESDAY, FEBRUARY 15, 1966

## THIRTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Hoffman and Smith.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 14, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 352,** by Representatives Murphy, Ostertag, Eicher, Criscillis, Siemens, Blume, Tucker, King, C. R. Miller, Jones and Johnson: AN ACT relating to policemen and firemen's pension fund in cities of the fourth class and providing for civil service in cities of the fourth class.

**HB 353,** by Representatives Stuart, Morgan, Hoe, Billings and Whitlock: AN ACT relating to insurance.

**HB 354**, by Representative Wells: AN ACT relating to Kentucky State supported institutions of higher learning.

**HB 355,** by Representatives Stuart, Tucker, Hoe, Harper, Wells and Watkins: AN ACT relating to public buildings.

**HB 356**, by Representative Pile: AN ACT changing the classification of the City of Irvington in Breckinridge County.

**HB 357,** by Representative Isler: AN ACT relating to motor vehicle inspection.

**HB 358,** by Representative Dempsey: AN ACT relating to resumption of teaching by retired teachers.

**HB 359**, by Representatives Ball, DeMarcus, Kessinger, McCowan, Dempsey, Bicknell, Peace, James E. Hunt, Jones and

Caldwell. AN ACT relating to the classification of real property for taxation.

**Motions, Petitions, and Communications**

Representative King moved that **HB 166** be laid on the table.

On the roll call the vote was yeas 38—Bartley, Bicknell, Billings, Brady, Archie Brown, Buky, Caldwell, Carroll, Clapp, Dempsey, Eicher, Floyd, Harris, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Isler, Jones, Jordan, Kessinger, King, Maddox, McCowan, Murphy, Overman, Russell Reynolds, Riddle, Sartin, Secrest, Sheehan, Short, Smith, Stuart, Vanover, Wells, Whitlock. Nays 40—Allen, Arnett, Barber, Bates, Blythe, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Chapman, Cox, DeMarcus, Denham, Hale, Hardin, Harper, Irick, Keene, Kelly, Lassiter, Leeds, McBrayer, John D. Miller, Morgan, Osborn, Ostertag, Peniston, Pettit, Pile, Roberts, Siemens, Smothers, Straney, Tucker, Warders, Watkins, Webster, Wheeler, White.

The motion that **HB 166** be laid on the table was rejected.

**HR 70**, by Representatives Billings, Arnett, Martin, Russell Reynolds and McIntyre: A RESOLUTION requesting the U. S. Department of Agriculture to change the name of the Cumberland National Forest to the Daniel Boone National Forest.

Representative Billings moved the adoption of **HR 70.**

Representative Straney moved that **HR 70** be referred to the Committee on Committees. Agreed.

**Recess**

Representative John Y. Brown moved that the House recess for a Joint Session to hear testimony on **HB 166.** Agreed.

At the appointed hour the Speaker resumed the Chair and called the House or order.

**Motions, Petitions;and Communications** (Cont'd.)

**HR 72**, by Representative Blythe: A RESOLUTION inviting Reverend Arie D. Bestebreurtze of the Calvin Presbyterian

Church, St. Matthews, Kentucky to offer the opening prayer in the House of Representatives.

WHEREAS, it is customary for the House of Representatives to open each session with a prayer offered by a member of the clergy; and

WHEREAS, Reverend Arie D. Bestebreurtze is the spiritual leader of the Calvin Presbyterian Church in St. Matthews, Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That Reverend Arie D. Bestebreurtze of the Calvin Presbyterian Church in St. Matthews, Kentucky, be invited to offer the opening prayer in the House of Representatives.

Representative Blythe moved the adoption of **HR 72.** Agreed.

Representative Murphy moved that **SB 104** be taken from Orders of the Day and laid on the table.

On the roll call the vote was yeas 31—Bartley, Bicknell, Blythe, Brady, Archie Brown, Buky, Caldwell, Chaudoin, Clapp, Eicher, Harris, James E. Hunt, Isler, Jones, Jordan, Kessinger, King, Maddox, Clarence R. Miller, Morgan, Murphy, Peace, Russell Reynolds, W. J. Reynolds, Riddle, Sheehan, Smith, Stuart, Vanover, Wallace, Wells. Nays 37—Allen, Arnett, Barber, Bates, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Carroll, Cox, DeMarcus, Dempsey, Denham, Floyd, Hale, Henry, Hinkle, Hopkins, Kelly, Lassiter, Leeds, McBrayer, McNamara, John D. Miller, Osborn, Peniston, Pettit, Pile, Roberts, Secrest, Smothers, Straney, Tucker, Webster, White, Young.

The motion that **SB 104** be taken from Orders of the Day and laid on the table was rejected.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., February 16, 1966.

On the roll call the vote was yeas 40—Allen, Arnett, Barber, Bates, Billings, Bondurant, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Cox, Denham, Hale, Harris, Henry, Hinkle, Irick,

Jordan, Kelly, Maddox, Majors, Martin, McNamara, John D. Miller, Morgan, Osborn, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Secrest, Smothers, Straney, Tucker, Vanover, Watkins, Webster, Young. Nays 41—Ball, Ballenger, Bartley, Bicknell, Blythe, Bourne, Brady, Archie Brown, E. G. Brown, Buky, Caldwell, Clapp, Clark, Dempsey, Eicher, Floyd, Harper, Hislope, Hopkins, James E. Hunt, Isler, Johnson, Jones, Keene, Kessinger, King, McCowan, McIntyre, Murphy, Ostertag, Peace, W. J. Reynolds, Jr., Riddle, Sartin, Sheehan, Smith, Stuart, Warders, Wells, Wheeler, White.

The motion to adjourn was rejected.

Representative John Y. Brown moved that the Rules be suspended to proceed to Orders of the Day. Agreed.

**Orders of the Day**

**SB 104** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Russell Reynolds moved that the House adjourn until 1:00 p.m., February 16, 1966.

On the roll call the vote was yeas 31—Ball, Bicknell, Billings, Brady, Carroll, Chapman, Chaudoin, Clark, Criscillis, Harris, Howard, P. Hunt, Jr., Johnson, Jones, Jordan, Maddox, Majors, McCowan, Morgan, Murphy, Overman, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Sheehan, Short, Siemens, Stuart, Wells, Whitlock, Young. Nays 51—Allen, Arnett, Ballenger, Barber, Bartley, Bates, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Clapp, Cox, DeMarcus, Dempsey, Denham, Eicher, Hale, Hardin, Harper, Henry, Hinkle, Irick, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Martin, McBrayer, McNamara, John D. Miller, Osborn, Ostertag, Peniston, Pettit, Pile, Roberts, Smith, Smothers, Straney, Vanover, Warders, Watkins, Webster, Wheeler, White, Wright.

The motion to adjourn was rejected.

Representative Morgan moved the adoption of the following Amendment No. 1 to **SB 104**:

Amend printed copy of Senate Bill 104 on page 3, line 25, by: By inserting after the word "five" the words "or ten".

On the roll call the vote was yeas 44—Ball, Ballenger, Bicknell, Billings, Blythe, Brady, Archie Brown, Buky, Caldwell, Chaudoin, Clapp, Clark, Eicher, Floyd, Harris, Howard P. Hunt, Jr., James E. Hunt, Isler, Johnson, Jones, Jordan, Keene, Kessinger, King, Leeds, Maddox, Majors, McCowan, Clarence R. Miller, Morgan, Murphy, Overman, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sheehan, Siemens, Stuart, Warders, Watkins, Wells, Whitlock, Wright. Nays 43—Allen, Arnett, Barber, Bartley, Bates, Bondurant, Bourne, John Y. Brown, Bruce, Carroll, Chapman, Criscillis, DeMarcus, Denham, Dempsey, Hale, Hardin, Henry, Hinkle, Irick, Kelly, Lassiter, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Osborn, Ostertag, Peniston, Pettit, Pile, Roberts, Sartin, Secrest, Smith, Smothers, Straney, Tucker, Webster, Wheeler, White, Young.

Amendment No. 1 to **SB 104** was adopted.

Representative Dempsey asked to be recorded as voting "nay" on Amendment No. 1 to **SB 104.** Permission granted.

Representative Clapp moved the adoption of the following Amendment No. 2 to **SB 104.**

Amend printed copy of Senate Bill 104 on page 2, by: deleting lines 17 through 22 in their entirety; and on pages 3 and 4 by deleting on page 3 lines 21 through 28 and on page 4, lines 1 through 23 in their entirety.

Representative Murphy moved that Amendment No. 2 to **SB 104** be laid on the table.

On the roll call the vote was yeas 5—Jones, Murphy, Russell, Stuart, Wells. Nays 46—Arnett, Ballenger, Bates, Bondurant, Brady, E. G. Brown, John Y. Brown, Bruce, Caldwell, Chapman, Clapp, Cox, Criscillis, Dempsey, Denham, Hale, Hardin, Harper, Henry, Hinkle, Hopkins, Howard P. Hunt, Jr., Keene, Kelly, Lassiter, McCowan, McNamara, John D. Miller, Osborn, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Sartin, Secrest, Smith, Smothers, Straney, Tucker, Watkins, Webster, Wheeler, White, Whitlock, Young.

The motion that Amendment No. 2 to **SB 104** be laid on the table was rejected.

On the roll call the vote was yeas 13—Clapp, Floyd, Harris, Kessinger, King, Maddox, McCowan, Morgan, Murphy, W. J. Reynolds, Russell, Short, Stuart. Nays 58—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Blythe, Bondurant, Bourne, E. G. Brown, John Y. Brown, Bruce, Caldwell, Chapman, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Hardin, Harper, Henry, Hinkle, Hopkins, Howard P. Hunt, Jr., Irick, Jones, Keene, Kelly, Lassiter, Leeds, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Osborn, Ostertag, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Sartin, Smith, Smothers, Straney, Tucker, Vanover, Warders, Watkins, Webster, White, Young.

The motion to adopt Amendment No. 2 to **SB 104** was rejected.

Representative John Y. Brown moved that the vote on Amendment No. 1 to **SB 104** be recapitulated.

The Chair ruled the motion out of order because other business had transpired.

Representative Leeds moved that the vote by which Amendment No. 1 to **SB 104** was adopted be reconsidered.

On the roll call the vote was yeas 38—Allen, Arnett, Barber, Bartley, Bates, Bondurant, John Y. Brown, Bruce, Carroll, Chapman, Cox, Criscillis, DeMarcus, Dempsey, Denham, Hale, Hardin, Henry, Irick, Keene, Kelly, Lassiter, Leeds, Martin, McBrayer, McIntyre, Osborn, Peniston, Pile, Roberts, Short, Smith, Smothers, Straney, Tucker, Webster, Wheeler, White. Nays 33—Ballenger, Billings, Bourne, Brady, Archie Brown, Chaudoin, Clark, Eicher, Harris, Hopkins, Howard P. Hunt, Jr., Isler, Jones, Jordan, Kessinger, King, Maddox, McCowan, McNamara, John D. Miller, Morgan, Murphy, Ostertag, Russell Reynolds, W. J. Reynolds, Jr., Sartin, Secrest, Sheehan, Siemens, Stuart, Warders, Wells, Whitlock.

The motion that the vote on Amendment No. 1 to **SB 104** be reconsidered was adopted.

On the roll call the vote was yeas 48—Ball, Ballenger, Bicknell, Billings, Blythe, Brady, Archie Brown, Caldwell, Chaudoin, Clapp, Clark, Eicher, Floyd, Harris, Hoe, Howard P. Hunt, Jr., James E. Hunt, Isler, Johnson, Jones, Jordan, Kessinger, King, Leeds, Maddox, McCowan, Clarence R. Miller, John D. Miller, Morgan, Murphy, Overman, Peace, Pettit, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Siemens, Smith, Stuart, Wallace, Warders, Wells, Whitlock, Wright. Nays 41—Allen, Arnett, Barber, Bartley, Bates, Bondurant, Bourne, John Y. Brown, Bruce, Buky, Carroll, Chapman, Cox, Criscillis, DeMarcus, Dempsey, Denham, Hale, Hardin, Harper, Henry, Irick, Kelly, Lassiter, Martin, McBrayer, McIntyre, McNamara, Osborn, Ostertag, Peniston, Pile, Roberts, Short, Smothers, Straney, Tucker, Vanover, Webster, Wheeler, White.

Upon completion of the roll call to reconsider the vote on Amendment No. 1 to **SB 104**, Amendment No. 1 to **SB 104** was adopted.

On the roll call the vote was yeas 70—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Brady, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., Irick, Johnson, Jordan, Keene, Kelly, Lassiter, Maddox, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Sartin, Secrest, Short, Smith, Smothers, Straney, Tucker, Vanover, Warders, Watkins, Webster, White, Young. Nays 14—Bourne, Floyd, Isler, Jones, Kessinger, King, Leeds, Murphy, W. J. Reynolds, Jr., Riddle, Russell, Stuart, Wells, Wright.

**SB 104** as amended was passed and the title agreed to.

Representative John Y. Brown moved that the vote by which **SB 104** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative King moved that **HB 166** be taken from Orders of the Day and placed upon its passage.

On the roll call the vote was yeas 48—Bicknell, Billings, Blythe, Brady, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Dempsey, Denham, Eicher, Harper, Harris, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jones, Jordan, Kessinger, King, McCowan, Morgan, Murphy, Ostertag, Overman, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Smith, Stuart, Vanover, Warders, Wells, White, Whitlock, Young. Nays 24—Allen, Ball, Barber, Bates, Bondurant, Bourne, E. G. Brown, John Y. Brown, Cox, DeMarcus, Floyd, Henry, Hinkle, Kelly, Lassiter, McBrayer, John D. Miller, Osborn, Peniston, Pettit, Pile, Siemens, Smothers, Tucker.

The motion that **HB 166** be taken from Orders of the Day and placed upon its passage was rejected.

Representative Smothers requested that he be permitted to change his vote from "nay" to "yea" on the passage of **SB 104.** Agreed.

Representative Criscillis announced had he been present on February 14, 1966, he would have voted "nay" to table **HB 258** and "yea" on passage of **HB 72.** Agreed.

## Report of Committees

The Committee on Kentucky Statutes # 2 reported **HB 151** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 151,** AN ACT relating to interim financing for building projects initiated or approved by the State Property and Buildings Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of Chapter 56 of the Kentucky Revised Statutes is created to read as follows:

(1) When the State Property and Buildings Commission makes a determination, in accordance with the provisions of KRS Chapter 56, that one or more building projects will be financed by the issuance of revenue bonds, then in anticipation of such

financing the Commission may borrow money to provide interim financing therefor and issue in evidence thereof its revenue bond anticipation notes, bearing interest at a rate or rates not exceeding 6% per annum. Such interim financing may be entered into for the Commission's own projects, for those of the University of Kentucky and the state colleges, or for any other agency of the Commonwealth where approval by the Commission is required regarding the issuance of revenue bonds of such an agency. In instances where the revenue bonds involved are to be issued by other agencies, such agencies, with the prior approval of the Commission, may borrow money in the same manner and for the same purpose and issue in evidence thereof their own revenue bond anticipation notes, according to rules and regulations promulgated by the Commission.

(2) The Commission shall solicit proposals for such interim financing from at least three responsible lenders, and shall select in its discretion the best of such proposals consistent with sound financial practices. A selection may be made even though less than three proposals are received. The term of any such revenue bond anticipation note shall not exceed one year or the duration of the construction period, whichever is longer; and the same may be renewed, if necessary.

(3) Each revenue bond anticipation note shall include prepayment provisions which will allow the Commission or other borrowing agency to prepay the loan after giving reasonable notice to the lender; shall identify the revenue bond issue from the proceeds of which the note or notes and any interest thereon are to be paid; and shall include a statement that the note is being issued in anticipation of the identified revenue bond issue, and that neither the note, nor the interest thereon, shall constitute or evidence an indebtedness of the Commonwealth of Kentucky. Each such note and the interest thereon (to any extent not previously paid from other sources) shall be paid from the proceeds of the identified revenue bond issue, when such proceeds have been received and are available.

(4) Instead of borrowing money and issuing revenue bond anticipation notes to the full amount necessary for construction contract purposes, the Commission (or such agencies with the prior approval of the Commission and according to its rules and

regulations), may enter into loan agreements with one or more lenders (determined by the Commission to be responsible) according to the terms of which it may be agreed (a) that the lender will continuously make available to the borrowing agency a stated maximum amount of money for a stated period of time, (b) that the borrowing agency may demand and obtain cash advances against such commitment from time to time upon reasonable and agreed notice, and upon issuing in evidence of each advance a bond anticipation note which will bear an agreed rate of interest, not to exceed 6% per annum, from its date until paid, and (c) that in consideration of the making of such loan agreement the borrowing agency will pay to the lender or lenders a commitment fee determined by the Commission to be reasonable according to financial conditions existing at the time the loan agreement is made. Such loan agreements may be recorded as receivables upon the books of account of the Commission, the Commissioner of Finance, or other borrowing agency, and construction contracts may be awarded against the same to the amount of money which the lender contractually agrees to make available to the borrowing agency, the same as in the case of loan agreements made with departments or agencies of the United States Government.

(5) Each revenue bond anticipation note issued according to this Act, and the receipt of interest thereon, shall be exempt from all taxation by the Commonwealth and all of its subdivisions, municipalities and taxing authorities; and this may be stated as a representation in the text of each such revenue bond anticipation note.

The Committee on Criminal Law reported **HB 226** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 226**, AN ACT relating to use of scientific tests for personality analysis by the parole board.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

In considering the granting of a parole the parole board is authorized to use the polygraph, truth serum and any other scientific means for personality analysis that may hereafter be developed, before granting a parole.

The Committee on Public Health reported **HB 197** and **HB 268** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 197,** AN ACT relating to the educational qualifications of practitioners of the healing arts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. No person shall be eligible for licensure to practice any healing art in this state unless and until he furnishes satisfactory evidence to the appropriate licensing agency, that prior to the commencement of his professional education and training in that healing art, he was credited with not less than 60 transferable units of study by a college or university accredited by the Southern Association of Colleges and Schools (or an accrediting agency recognized by the Southern Association of Colleges and Schools or any successor to the powers of either) which included transferable credits in two or more of the basic sciences.

Section 2. (a) The term "healing art," as used herein, includes the practice of medicine, osteopathy, dentistry, chiropody (podiatry), optometry, and chiropractic, but does not include the practices of Christian Science or midwifery.

(b) The term "transferable units of study" means semester hour (or equivalent) credits and may include advance placement credits.

(c) The term "basic sciences" means biology, chemistry, or physics.

Section 3. This Act shall not apply to any student who is enrolled in any school of medicine, osteopathy, dentistry, chiropody (podiatry), optometry, or chiropractic on the effective date hereof, nor shall it affect the right of any person who is presently

licensed to practice a healing art in this state, to have his license renewed upon compliance with all other requirements of law.

Section 4. All laws or part of laws in conflict herewith, are repealed to the extent of such conflict.

**HB 268**, AN ACT relating to pharmacists, pharmacies, and drug manufacturers and wholesalers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 315.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in [this] *Chapter 315 of the Kentucky Revised Statutes, and in this act,* unless the context requires otherwise:

(1) "Association" means the Kentucky Pharmaceutical Association;

(2) "Board" means the Kentucky Board of Pharmacy;

(3) "Pharmacy" means every place where:

(a) *Prescription* drugs are dispensed or sold at retail; [or displayed for sale at retail;] or

(b) Where prescriptions are compounded; or

(c) Which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the term "pharmacists," "Pharmacy," "apothecary," "drug," "drug store," "druggists," "drugs," "medicines," "medicine store," "drug sundries," "remedies," or any term of similar or like import or any place with respect to which any of those terms are used in any advertisement or telephone directory listing; or

(d) Where the characteristic show bottles or colored globes are exhibited.

*(4) "Manufacturer" means a person located within the Commonwealth of Kentucky who manufactures, fabricates, bottles, packs, repacks or purchases drugs for the purpose of resale.*

*(5) "Person" includes any corporation, association, partnership, or one or more individuals, located within the Commonwealth of Kentucky.*

*(6) "Pharmacy Intern" means a person who is in the process of learning the pharmacy profession, who assists and is under the personal supervision of a licensed pharmacist and who has completed at least one year of approved academic training in an accredited college or university and who is in the normal process of obtaining a degree in pharmacy.*

*(7) "Prescription Drug" means a drug which is required by law to be dispensed only upon the prescription of a licensed practitioner, who is authorized by law to prescribe such drug.*

*(8) "Wholesaler" means a person located within the Commonwealth of Kentucky who sells drugs to pharmacies or to others for resale.*

*(9) "Hospital Drug Stock Room" means a place located within the hospital where drugs are stored for the sole purpose of supplying nursing stations located within the hospital for inpatient or emergency use only and where a full time dispensing pharmacist is not employed.*

Section 2. Section 315.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) [Any] *No* person [may] *shall* open, own or conduct a pharmacy [if] *unless* he keeps a licensed pharmacist constantly in charge *except as otherwise authorized by the regulations of the Board.* [.] [No person except a licensed pharmacist shall himself sell at retail, manufacture, compound or dispense any drug, medicine, chemical, poison or pharmaceutical preparation for medical use, or compound and dispense physicians' prescriptions.]

(2) No owner of a pharmacy [or manufacturer of pharmaceutical or proprietary preparations] who is not a licensed pharmacist shall fail to place a licensed pharmacist in charge [of his place of business] or [shall] permit any person to compound or dispense prescriptions [or sell at retail, drugs, medicines, poisons, or pharmaceutical preparations in his place of business] except *a licensed pharmacist or a pharmacy intern,* in the presence and under the immediate supervision of a licensed pharmacist *unless otherwise authorized by the regulations of the Board.* [.] *No person shall operate as a manufacturer of pharmaceutical or pro-*

*prietary preparations unless such preparations are manufactured under the supervision of a licensed pharmacist, licensed physician, chemist, or other person who possess such qualifications as are approved by the Board.*

(3) No person not a licensed pharmacist or licensed assistant pharmacist shall take, use or exhibit the title of a licensed pharmacist or licensed assistant pharmacist.

*(4) Except as otherwise provided in this act and in KRS Chapter 315, no person shall engage or attempt to engage in the practice of pharmacy within this state, or open, maintain or occupy a place of business within this state for engaging in the practice of pharmacy, unless he holds a valid and effective license issued by the board as hereinafter provided.*

Section 3. Section 315.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Every applicant for registration as a *licensed* pharmacist shall be not less than twenty-one years of age, a citizen of the United States, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university recognized and approved by the Kentucky Board of Pharmacy, and shall file proof satisfactory to the Kentucky Board of Pharmacy, substantiated by proper affidavits, of a minimum of one year of [experience] *internship* [in a retail pharmacy,] under the supervision of a *licensed* registered pharmacist, which [experience] *internship* shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations and keeping records and making reports required by the state and federal statutes. *All persons serving such pharmacy internships shall comply with all rules and regulations of the Kentucky Board of Pharmacy.*

(2) After such applicant has passed a satisfactory examination in written, oral and practical work, conducted before the board under regulations prescribed by the board, he shall be entitled to a license as a pharmacist.

Section 4. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The board is authorized to:

(1) Issue reasonable rules and regulations establishing requirements, standards and tests to determine the moral, physical, intellectual, educational, scientific, technical and professional qualifications of applicants for license to practice pharmacy and to issue, deny, suspend and revoke license, and to place licensees on probation.

(2) Adopt rules and regulations necessary to regulate and control all matters set forth in this act and in KRS Chapter 315 relating to pharmacists, pharmacies, manufacturers and wholesalers to the extent that regulation and control of same have not been delegated to some other agency of the Commonwealth.

(3) Schedule and conduct hearings or to appoint hearing officers to schedule and conduct hearings on behalf of the board on any matter under the jurisdiction of the board.

(4) Promulgate a code of conduct governing the practice of pharmacy which shall be based upon generally recognized principles of professional ethical conduct and which shall be filed with the Legislative Research Commission as a regulation.

(5) Prescribe the time, place, method, manner, scope and subjects of examinations, provided however that at least two examinations shall be held annually.

(6) Employ whatever assistance it considers necessary.

(7) Investigate all complaints or violations of the State Pharmacy Laws and bring all such cases to the notice of the proper law enforcement authorities.

(8) Keep a book of registration in which shall be entered the name and place of business of every licensed pharmacist and assistant pharmacist.

(9) Make bylaws for the proper execution of its duties.

(10) Perform all other functions necessary to carry out the provisions of law and the rules and regulations adopted by the board relating to pharmacists and pharmacies, and manufacturers and wholesalers.

Section 5. Section 315.110 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Every licensed pharmacist who desires to continue in business shall, during January of each year, pay to the secretary-treasurer of the board a *reasonable* renewal fee, to be fixed by *regulation* by the board, but not to exceed *twenty-five* [ten] dollars. For this he shall receive a certificate of renewal of his license.

(2) Every licensed assistant pharmacist who desires to continue in business shall, during January of each year, pay to the secretary-treasurer of the board a *reasonable* renewal fee, to be fixed by regulation by the board, but not to exceed *twenty-five* [four] dollars. For this he shall receive a certificate of renewal of his license.

(3) Every pharmacist and every assistant pharmacist shall keep his current certificate conspicuously displayed in his place of business.

Section 6. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The board may revoke or suspend any pharmacist's license heretofore or hereafter issued or any assistant pharmacist's license heretofore issued, or place a licensee on probation, upon proof that the licensee has:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a license or permit;

(b) Been convicted of a felony;

(c) Become addicted to a drug habit;

(d) Become a chronic or persistent alcoholic;

(e) Developed such physical or mental disability, or other condition, that continued practice is dangerous to the public;

(f) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(g) Knowingly made, or caused to be made, or aided or

abetted in the making of, a false statement in any prescription, certificate or document executed in connection with the practice of pharmacy;

(h) Knowingly made, or caused to be made, a substitution of a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without the express permission of the practitioner ordering or prescribing the same;

(i) Violated the code of conduct promulgated by the board;

(j) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board.

Section 7. Section 315.140 of the Kentucky Reviseed Statutes is hereby amended to read as follows:

(1) Any licensed pharmacist or assistant pharmacist who fails to comply with any provision of KRS 315.110 to *315.120* [315.130], shall forfeit his right to act as a licensed pharmacist or assistant pharmacist after sixty days from the time that notice of such failure is mailed to his last known address by the secretary-treasurer of the board.

[(2) Any licensed pharmacist or assistant pharmacist who has been convicted of a felony or who is proven to be addicted to habit forming drugs or is an habitual drunkard shall forfeit his license.]

[(3) The name of any person falsely licensed in violation of KRS 315.100 shall be stricken from the register.]

[(4) Any person who has been convicted twice of habitual intoxication shall have his name stricken from the register and his license revoked by the board.]

Section 8. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) Each member of the board, except the secretary-treasurer, shall receive twenty-five ($25.00) dollars for each day actively engaged in the service of the board. Each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(2) The secretary-treasurer of the board shall receive a reasonable salary determined by the board. He shall also receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

Section 9. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) No person shall operate a pharmacy without having first obtained a permit as provided for in this act. An application for a permit to operate a pharmacy shall be made to the board upon forms provided by it and shall contain such information as the board requires, which may include affirmative evidence of ability to comply with such reasonable standards and rules and regulations as may be prescribed by the board. Each application shall be accompanied by a reasonable permit fee, the amount of which shall be set by regulation of the board.

(2) Upon receipt of an application of a permit to operate a pharmacy, accompanied by the permit fee, the board shall issue a permit if the pharmacy meets the standards and requirements of this act and the rules and regulations of the board. Any person operating a pharmacy which is in operation on the effective date of this act shall be issued a permit to operate upon application and upon payment of the prescribed fee, even though the pharmacy does not meet the standards and requirements of this act and the rules and regulations of the board, provided that by July 1, 1967 the pharmacy must be in compliance with the standards and requirements of this act and the rules and regulations of the board. The board shall refuse to renew any permit to operate on July 1, 1967 or on any subsequent renewal date thereafter unless the pharmacy meets the standards and requirements of this act and the rules and regulations of the board. The board shall act upon an application for a permit to operate within thirty (30) days after the receipt thereof; provided, however, that the board may issue a temporary permit to operate in any instance where it considers additional time necessary for investigation and consideration before acting upon the application. In such event, the temporary permit shall be valid for a period of thirty (30) days, unless extended.

(3) A separate permit to operate shall be required for each pharmacy.

(4) Each permit to operate a pharmacy, unless sooner suspended or revoked, shall expire on June 30 following its date of issuance and be renewable annually thereafter upon proper application accompanied by such reasonable renewal fee as may be set by regultion of the board.

(5) Permits to operate shall be issued only for the premises and persons named in the application and shall not be transferable; provided however, that a buyer may operate the pharmacy under the permit of the seller pending a decision by the board of an application which shall be filed by the buyer with the board at least 5 days prior to the date of sale.

Section 10. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) No person shall operate within this state as a manufacturer or wholesaler of drugs without having first obtained the appropriate permit as provided for in this act. An application for a permit to operate as a wholesaler or manufacturer shall be made to the board upon forms provided by it and shall contain such information as the board requires, which may include affirmative evidence of ability to comply with such standards, rules and regulations as may be prescribed by the board. Each application shall be accompanied by such reasonable fee as may be prescribed by regulation of the board.

(2) Each permit to operate as a manufacturer or wholesaler of drugs, unless sooner suspended or revoked, shall expire on June 30 following its date of issuance and be renewable annually thereafter, upon proper application accompanied by such reasonable renewal fee as may be set by regulation of the board.

(3) Each permit to operate shall be issued only for the premises and persons named in the application and shall not be transferable.

(4) This section shall not apply to wholesalers of patent or proprietary drugs.

Section 11. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The board may revoke or suspend any permit to operate a pharmacy or any wholesaler's or manufacturer's permit issued pursuant to this act, or place such permittee on probation, upon proof that the permittee has:

(a) Knowingly made or presented or caused to be made or presented any false, fraudulent or forged statement, writing or other thing, in connection with an application for a permit;

(b) Been convicted of a felony;

(c) Become addicted to a drug habit;

(d) Become a chronic or persistent alcoholic;

(e) Developed such physical or mental disability, or other condition, that continued operation is dangerous to the public;

(f) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(g) Violated any order issued by the board to comply with any applicable law or regulation;

(h) Been convicted of a violation of a federal or state drug law where a penalty or fine has been invoked;

(i) Used any untrue or misleading statement or advertisement pertaining to drugs or medicinal or pharmaceutical products sold or offered for sale;

(j) Advertised a prescription drug for sale to the public;

(k) Failed to comply with the provisions of this act or with any rule or regulation promulgated by the board.

Section 12. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) In every proceeding for probation, suspension or revocation of a license or a permit issued pursuant to this act or KRS Chapter 315, the secretary of the board shall furnish the licensee or permittee with written notice setting out the substance of each offense charged with sufficient detail to reasonably apprise such person of the nature, time and place thereof. The hearing may be conducted by the board or by a hearing officer appointed by the board. The respondent shall be given at least thirty (30) days prior written notice thereof, who shall have the right to be present in person or by counsel and to present evidence and

to be heard in opposition to the charges. Upon failure of the licensee or permittee to respond to the complaint at or before the time of the hearing thereon, the allegations set forth in the complaint shall be taken by the board as confessed.

(2) The board or the hearing officer appointed by it shall have the authority to issue subpoenas for the attendance of witnesses and the production of papers and records, administer oaths and schedule hearings. All decisions revoking or suspending a license or permit or placing a licensee or permittee on probation shall be made by the board.

(3) Except as otherwise provided in this subsection, every order of the board suspending or revoking a license or permit shall become effective thirty (30) days after notice is given to the licensee or permittee; provided however, that the board may when in its opinion the continued practice of the licensee or the continued operation of the permittee would be dangerous to the health, welfare and safety of the general public, proclaim in its order of suspension or revocation that said order shall become effective forthwith; in such event that board's order of suspension or revocation shall become effective as of the date specified therein and the licensee or the permittee shall not, after notice of same, engage or continue to engage in any practice or operation under the license or permit issued unless the board's order is revoked or modified by a final unappealable order or judgment.

(4) A licensee or permittee aggrieved by an order of the board suspending or revoking a license or permit may within thirty (30) days after notice thereof appeal thereupon to the circuit court of the county in which the licensee or permittee conducts his practice or place of business. The appeal shall be determined by the court upon the certified record.

(5) Either party aggrieved by a final order entered by the circuit court may appeal to the court of appeals as in a civil action.

Section 13. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

For the purpose of enforcing the provisions of this act and

KRS Chapter 315, officers, agents and inspectors of the Board shall have the power and authority to enter upon premises at all reasonable times for the purpose of making inspections, to interrogate all persons and to require the production of records or other evidence.

Section 14. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) Notwithstanding the existence or pursuit of any other remedy (civil or criminal) the board is hereby authorized to institute and maintain actions to restrain and enjoin any violation of this act or KRS Chapter 315, or the rules and regulations of the board.

(2) City, county and Commonwealth's attorneys' and the Attorney General, shall within their respective jurisdictions represent the board, its officers, agents, and inspectors, in the enforcement of the provisions of this act and KRS Chapter 315, and the rules and regulations of the board, but when the board deems it necessary, it may employ, at its discretion, special attorneys to assist the board, or its officers, agents, or inspectors, and may pay reasonable compensation, fees and other costs from any unexpended funds.

Section 15. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

All license fees, permit fees and charges, and other monies collected by the board, under the provisions of this act and KRS Chapter 315, and the rules and regulations of the board adopted hereunder, shall be paid into the State Treasury and credited to a trust and agency fund to be used by the board in carrying out the provisions of this act and KRS Chapter 315. No part of this fund shall revert to the general fund of the Commonwealth. All monies held in a trust and agency fund or other fund to the credit of the board for the administration and enforcement of KRS Chapter 315, on the effective date of this act, are hereby transferred to the trust and agency fund herein created.

Section 16. Section 315.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Nothing in this [chapter] *Act or Chapter 315 of the Kentucky Revised Statutes* shall apply to the sale of usual non-poisonous domestic remedies, harmless drugs or medicines or patent or proprietary medicine in the original package by any store.

(2) Nothing in this [chapter] *Act or Chapter 315 of the Kentucky Revised Statutes* shall interfere with the professional activities of any licensed practicing physician *or other practitioner authorized under the laws of Kentucky to prescribe and dispense drugs,* or prevent him from keeping any drug or medicine that he may need in his practice, from compounding his own prescriptions, or from supplying to his patients any article that seems to him proper.

*(3) Hospital drug stock rooms shall be subject to and shall comply with the rules and regulations of the State Board of Health relating thereto. No person shall own or operate a hospital drug stock room unless such is in compliance with the rules and regulations relating thereto.*

*(4) Drugs located within nursing stations in hospitals shall be subject to the rules and regulations of the State Board of Health relating thereto.*

*(5) Mechanical devices for storage of hospital drug floor stock shall be subject to the rules and regulations of the State Board of Health relating thereto.*

Section 17. Section 315.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person violating subsection (1) of KRS 315.020 *or subsection (4) of KRS 315.020* shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the county jail for not more than six months, or both.

(2) Any person who violates subsection (2) of KRS 315.020 shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Each [week] *day* that this subsection is violated shall constitute a separate offense.

(3) Any person who violates subsection (3) of KRS 315.020 shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.

(4) Any person violating KRS 315.030 shall be fined for each offense not less than one hundred dollars nor more than one thousand dollars or imprisoned in the county jail for six months, or both. Each [week] *day* that an establishment is operated in violation of KRS 315.030 shall constitute a separate offense.

(5) Any proprietor or person in charge of a pharmacy who violates subsection (2) or (3) of KRS 315.080 shall be fined not less than twenty dollars nor more than one hundred dollars for each offense.

(6) Any person who violates KRS 315.100 shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

[(7) Any licensed pharmacist or assistant pharmacist who is habitually intoxicated shall be fined not less than twenty-five dollars nor more than fifty dollars for the first and second offenses, and upon conviction of the third offense, his license shall be revoked by the State Board of Pharmacy.]

*(7) Any person who violates subsection (1) of section 9 of this act, or subsection (1) of section 10 of this act, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the county jail for not more than six months, or both.*

*(8) Any person who violates any provision of this act or KRS Chapter 315, for which a specific penalty is not otherwise provided, or any rule or regulation adopted thereunder, or who fails to comply with an order of the board issued pursuant thereto, shall be fined not less than one hundred dollars nor more than five hundred dollars. Each day of violation or noncompliance shall constitute a separate offense.*

Section 18. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

Nothing in this Act, or in the rules and regulations adopted pursuant thereto by the State Board of Pharmacy shall be construed as applying to manufacturers, distributors, or retailers of economic poisons, insecticides, fungicides, rodenticides, herbicides, agricultural growth inhibitors, veterinary drugs properly labeled for over the counter sale, or feeds containing drugs.

Section 19. Sections 315.090, 315.130, 315.170 and 315.190 of the Kentucky Revised Statutes are hereby repealed.

## Calendar

**HB 338** and **HB 271** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by the title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative King moved that **HB 181** be recommitted to the Committee on Motor Transportation. Agreed.

## Orders of the Day

**HB 107** taken from Orders of the Day and ordered read at length for the third time. Representative Bondurant moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91—Allen, Arnett, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 2—Ball, Bruce.

**HB 107** was passed and the title agreed to.

**HB 141** taken from Orders of the Day and ordered read at length for the third time. Representative Watkins moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Watkins moved the adoption of the following Amendment No. 1 to **HB 141**:

Amend printed copy of House Bill 141 on page 1, line 4, by:

inserting after the word "vehicles" and before the word "only," the following: ", vehicles operated by a county sheriff and their bonded deputies, in the performance of their duties"

Further amend said bill page 5 line 10 by striking out the word "or blue light"

Agreed.

Representative Billings moved the adoption of the following Amendment No. 2 to **HB 141.**

Amend printed copy of House Bill No. 141 on page 1, line 4, by:

deleting the word "only" and by inserting after the word "vehicles" the following: ", county sheriffs and their deputies vehicles, city and county police vehicles, emergency vehicles of city, county and volunteer fire departments and emergency type ambulance vehicles."

Rejected.

On the roll call the vote was yeas 93—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Majors, Martin, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 141** as amended was passed and the title agreed to.

**HB 7** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McNamara moved the adoption of the following Amendment No. 1 to **HB 7**:

Amend printed copy of House Bill 7 on page 1, line 1, by: inserting at beginning of line 1 insert "Section 1." and add the following after line 6:

"Section 2. Whereas, the 1966 primary election day will fall prior to ninety days following adjournment of the General Assembly, an emergency is declared to exist and this act shall become effective upon its passage and approval by the Governor."

Agreed.

On the roll call the vote was yeas 96—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 7** as amended was passed and the title agreed to.

**HB 172** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y.

Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 1—Blythe.

**HB 172** was passed and the title agreed to.

**HB 38** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75—Allen, Arnett, Ball, Ballenger, Barber, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, White, Whitlock, Wright, Young. Nays 9 — Bartley, Bates, Bicknell, Chapman, Dempsey, Hislope, James E. Hunt, Kelly, Kessinger.

**HB 38** was passed and the title agreed to.

**HR 25** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of the following Amendment No. 1 to **HR 25**:

Amend printed copy of House Resolution 25 on page 1, line 4, by:

adding a new sentence as follows:

"The Legislative Research Commission shall determine the specific commodity to be studied under the provisions of this resolution."

Agreed.

On the roll call the vote was yeas 88—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hopkins, James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Riddle, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, White, Wright, Young. Nays 0.

**HR 25** as amended was passed and the title agreed to.

**HB 194** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 89—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jones, Jordan, Keene, Kelly, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith,

Smothers, Straney, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 194** was passed and the title agreed to.

Representative John Y. Brown moved that the House move forward to the Announcement period.

On the roll call the vote was yeas 26—Allen, Arnett, Bartley, Bates, John Y. Brown, Cox, Hardin, Irick, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Peniston, Pile, W. J. Reynolds, Short, Siemens, Smith, Smothers, Tucker, Webster, Young. Nays 47—Ball, Bicknell, Blythe, Brady, E. G. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Harris, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Jones, Jordan, Kessinger, King, McCowan, Morgan, Ostertag, Overman, Peace, Russell Reynolds, Riddle, Russell, Secrest, Sheehan, Vanover, Warders, Wells, Wheeler, White, Whitlock, Wright.

The motion to move forward to Announcements was rejected.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., February 16, 1966.

On the roll call the vote was yeas 42—Allen, Arnett, Barber, Bartley, Bates, Billings, Bourne, John Y. Brown, Bruce, Cox, Denham, Hale, Hardin, Henry, Hinkle, Irick, Kelly, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Osborn, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Short, Siemens, Smothers, Straney, Tucker, Vanover, Warders, Watkins, Webster, Young. Nays 44—Ball, Ballenger, Bicknell, Blythe, Brady, Archie Brown, E. G. Brown, Buky, Caldwell, Carroll, Chaudoin, Clapp, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Harris, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Jones, Jordan, Kessinger, King, McCowan, Murphy, Ostertag, Peace, Russell Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Smith, Stuart, Wells, Wheeler, White, Wright.

The motion to adjourn was rejected.

**HB 89** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved the adoption of the Committee amendment to **HB 89.** Agreed.

On the roll call the vote was yeas 71—Allen, Arnett, Ballenger, Barber, Bates, Blythe, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Hale, Hardin, Harper, Henry, Hoe, Hopkins, James E. Hunt, Irick, Isler, Johnson, Jones, Keene, Lassiter, Leeds, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Wright, Young. Nays 3—Bicknell, Dempsey, Hislope.

**HB 89** as amended was passed and the title agreed to.

**HB 218** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harris, Henry, Hinkle, Hislope, Hoe, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Secrest, Sheehan, Short, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Wright, Young. Nays 0.

**HB 218** was passed and the title agreed to.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., Wednesday, February 16, 1966.

On the roll call the vote was yeas 47—Allen, Arnett, Barber, Billings, Bourne, John Y. Brown, Chapman, Clark, Cox, Criscillis, DeMarcus, Denham, Hale, Hardin, Henry, Hinkle, Irick, Jordan, Keene, Kelly, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Short, Siemens, Smothers, Straney, Tucker, Vanover, Warders, Watkins, Webster, Young. Nays 40—Ball, Ballenger, Bicknell, Blythe, Bondurant, Brady, E. G. Brown, Buky, Caldwell, Carroll, Chaudoin, Clapp, Dempsey, Eicher, Floyd, Harper, Harris, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Johnson, Jones, Kessinger, King, McCowan, Peace, Russell Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Smith, Wells, Wheeler, White, Whitlock, Wright.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 16, 1966
## THIRTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Bicknell, Floyd, Jones, Peace and Stuart.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 15, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 360**, by Representatives Watkins, Straney, McBrayer and Bondurant: AN ACT relating to Motor Vehicles.

**HB 361**, by Representative Henry: AN ACT relating to the working of prisoners in county jails.

**HB 362**, by Representative Denham: AN ACT relating to the compensation of the Commissioner of Health.

**HB 363**, by Representative DeMarcus: AN ACT relating to income taxes.

**HB 364**, by Representative Carroll: AN ACT relating to arbitration and to make uniform the law with reference thereto.

**HB 365**, by Representatives Hoffman, John D. Miller, McBrayer and Carroll: AN ACT relating to oaths and affirmations.

**HB 366**, by Representative Isler: AN ACT relating to motor vehicle tire safety.

**HB 367**, by Representative Isler: AN ACT relating to absentee voting.

**HR 71**, by Representatives Murphy, King, Blume, Whitlock, Morgan, Straney, White, Buky, Overman, Ostertag, Clapp,

Ballenger and Chaudoin: A CONCURRENT RESOLUTION requesting and petitioning the Governor of the Commonwealth of Kentucky to call a special session of the General Assembly.

**HR 73**, by Representatives Hardin, Bruce, McBrayer and John D. Miller: A RESOLUTION requesting the Governor of the Commonwealth of Kentucky to institute a program similar to Tennessee's Operation Crime Prevention.

**HR 74**, by Representative Irick: A RESOLUTION recognizing the Mary Calvert School for retarded children.

**HR 76**, by Representatives Clark, McCowan, Russell, Criscillis, Peace, Hislope, James E. Hunt, Short, Bicknell, Archie Brown, Secrest, Caldwell and Sartin: A CONCURRENT RESOLUTION concerning the humane treatment of animals.

**HB 368**, by Representatives Bondurant, McNamara, Hinkle, and Whitlock. AN ACT relating to accident prevention in connection with training in vocational, industrial arts, and chemical-physical courses employing machines, machinery and general industrial laboratory equipment in the public school system.

**HB 369**, by Representatives Hoe, Sheehan, Caldwell, Harper, and Sartin: AN ACT relating to income taxes.

**HB 370**, by Representatives Hislope and Young: AN ACT relating to Teachers' Retirement System and making an appropriation.

**HB 371**, by Representatives Bondurant, McNamara, Hinkle and Whitlock: AN ACT providing for appropriation and purchase of lands to expand Zachary Taylor National Cemetery.

**HB 372**, by Representatives James E. Hunt, Brady, Sartin, DeMarcus and Wallace: AN ACT relating to teachers' retirement.

**HB 373**, by Representatives James E. Hunt, Brady, Sartin and DeMarcus: AN ACT relating to working of prisoners.

**HB 374**, by Representatives James E. Hunt, Wheeler, DeMarcus, Bicknell and Caldwell: AN ACT relating to insurance companies.

**HB 375**, by Representatives James E. Hunt, Brady, Eicher, King, Sartin, DeMarcus, Short, Bicknell and Caldwell: AN ACT relating to venue in suits instituted by the Commonwealth.

**HB 376**, by Representatives James E. Hunt, Brady, Sartin,

Wallace, DeMarcus and Caldwell: AN ACT relating to the compensation of county tax commissioners.

**HB 377,** by Representative Young: AN ACT relating to water districts.

**HB 378,** by Representative Ballenger: AN ACT amending Section 80.690 of the Kentucky Revised Statutes.

### Senate Message

Announcing passage of **SB 31.**

Representative John Y. Brown moved that **HB 166** be made a Special Order for 10:00 a.m., February 17, 1966. Agreed.

### Senate Message

Announcing passage of **SR 34.**

### Recess

Representative John Y. Brown moved that the House recess for Committee on Committees meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Motions, Petitions, and Communications

**HR 78,** by Representatives Secrest, Wallace, Majors, Harper, Criscillis, Morgan, Billings, Chapman, Blume, Sheehan, Allen, Wheeler, Buky, Martin, McIntyre, White, James E. Hunt, Archie Brown, McCowan, Hislope, Ballenger, DeMarcus, Hoe, Ball, Russell, Short, Caldwell, Peace, Sartin, Kessinger, Bicknell, Riddle, Vanover, Clark, Blythe, Bartley, Denham, Clapp, Wells, Maddox, Lassiter, Arnett, Chaudoin, Whitlock and Carroll: A RESOLUTION relating to Kentucky State High School Basketball Tournament Tickets for members of the General Assembly.

WHEREAS, the progress, promotion, and success of school athletic events have always been of prime concern to Kentucky Legislators; and

WHEREAS, the membership of the Kentucky House and Senate have always been intersted in Kentucky sports and school athletic events in the Commonwealth; and

WHEREAS, many members of the General Assembly attend the Kentucky State High School Basketball Tournament, and are oft-times unable to purchase reserve seats to this great athletic event;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That each member of the General Assembly have the opportunity to purchase two books of tickets (reserve seats in same section), when tickets are placed for sale or up to thirty days after said tickets are placed on sale; and ask this same privilege be extended annually; and that a copy of this resolution be forwarded to the Honorable Ted Sanford, Commissioner of the Kentucky High School Athletic Association, Lexington, Kentucky.

Representative Secrest moved the adoption of **HR 78.** Agreed.

**HR 80,** by Representative Blythe: A RESOLUTION commending Operation "Head Start" training of Reserve and Kentucky National Guard recruits prior to active military duty because of a delay in assignment.

WHEREAS, General Arthur Lloyd, General William Buster and General Benjamin Butler have taken the initiative in instigating Operation "Head Start", and thereby enhancing the readiness and posture of Reserve and National Guard components in Kentucky;

WHEREAS, the total world situation indicates the grave need for adequate military training; and

WHEREAS, Operation "Head Start" contributes tremendously to the efficiency of our military forces;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The General Assembly of the Commonwealth of Kentucky commends Operation "Head Start" as a most worthwhile contribution to military training.

Section 2. The General Assembly of the Commonwealth of Kentucky commends General Arthur Lloyd, General William Buster and General Benjamin Butler for having taken the initiative in instigating Operation "Head Start."

Section 3. That the clerk forward copies of this resolution to all interested and involved personnel of the United States Army Reserve in Kentucky, and the Kentucky National Guard.

Representative Blythe moved the adoption of **HR 80.** Agreed.

Representative Dempsey moved that **HB 80** be taken from Committee and placed upon its passage.

Representative Dempsey's motion was ruled out of order.

Representative Dempsey amended his motion that **HB 80** be taken from Committee and given its first reading.

Rejected.

**HR 79,** by Representatives Blume, Buky, Russell, Wright and C. R. Miller: A RESOLUTION memorializing General Zachary Taylor.

WHEREAS, the remains of General Zachary Taylor, the twelfth President of the United States, and his beloved wife, Margaret, lie entombed in a beautiful marble mausoleum in the Zachary Taylor National Cemetery on the outskirts of Louisville, Jefferson County, Kentucky surrounded by the graves of Veterans from the Spanish American War to the Wars of the present era; and

WHEREAS, a small group of patriotic Kentuckians under the leadership of Mrs. C. D. Greer of Louisville as Chairman of the Zachary Taylor Memorial Committee of the Outdoor Art League of Louisville, in 1921, undertook the task of beautifying the Zachary Taylor Burial Grounds, and to make of them a fitting resting place for this beloved soldier in the fall of 1922. The first step toward the development of the project was undertaken by the planting of pin oaks, and on March 10, 1924 the Kentucky Legislature enacted a Bill which was signed by Governor William J. Fields, requiring the State of Kentucky to deed to Jefferson County that part of the Zachary Taylor Burial Grounds and road

which had been deeded to the State in 1881 by Mr. George McCurdey, and on April 22, 1924 Jefferson County appropriated $10,000 for the building of a roadway leading to the burial grounds. In June of 1924, the Honorable Maurice Thatcher, Member of Congress from Louisville and Jefferson County, introduced a Bill in the Congress calling for an annual appropriation for the maintenance of the grounds, the Bill was enacted by the Congress and signed by President Calvin Coolidge on February 24, 1925. Thus was established the Zachary Taylor National Shrine, and in 1926, the Kentucky Legislature enacted a Bill which was signed by Governor William J. Fields, appropriating funds for the purchase of fifteen acres of ground surrounding the Zachary Taylor Burial Grounds, which was promptly purchased and deeded to the United States Government for the establishment of the Zachary Taylor National Cemetery, and was so dedicated on May 31, 1928. The dedicatory address was delivered by the Honorable Maurice Thatcher, Member of Congress from the Third Congressional District of Kentucky, who began his address with these glowing words:

"We are here today to dedicate this lovely mausoleum which shall hold through the indefinite future, all that remains of the sacred dust of that splendid Kentuckian, that great American, that splendid soldier and citizen, Zachary Taylor, the Twelfth President of the United States"; and

WHEREAS, General Zachary Taylor, affectionately called "Old Rough and Ready" by the Officers and Soldiers who served with him out of respect for his courageous and energetic leadership, was born on 24 November 1784, in Montebello, Orange County, Virginia, and a year later migrated with his family to Jefferson County, Kentucky, and thus truly became an early Kentucky pioneer. In 1806, General Zachary Taylor, volunteered for the Army which he served for forty years. When the war with England broke out in 1812, Taylor a Major was sent with fifty men to the defense of Fort Harrison on the Wabash River in Indiana, where on 4 September 1812, Indians led by Tecumseh furiously attacked and after seven hours of hard fighting they were forced to flee in disorder. As a Colonel, Taylor in 1832 participated in the Black Hawk campaign, and for the defeat of the Seminoles in the Battle of Okeechobe in December 1837, he

was brevetted Brigadier General, and in 1840, General Taylor was promoted to command the southern division of the western department of the Army. As Commander of the Army of the Rio Grande, General Taylor on 6 March 1846, was instructd to march to the Rio Grande, which was recognized by the United States as the southern boundary of Texas, but rejected by Mexico, and his first encounter with the Mexicans occurred on 8 May 1846 at Palo Alto, followed the next day by the battle of Resaca de la Paloma. General Taylor defeated the Mexicans in this and the war with Mexico was begun. On 21 September 1846, General Taylor marched on Monterey, the chief stronghold in Northern Mexico. General Ampudia, the Mexican commander, proposed surrender and terms were agreed on, then late in the autumn of 1846, General Santa Anna with a large army marched against General Taylor, who had taken a position near Buena Vista, on 22 February 1847. General Santa Anna made a demand upon General Taylor for surrender, which was promptly refused and battle ensued, and just before the battle General Taylor addressed his troops, "Soldiers, I intend to stand here not only so long as a man remains, but so long as a piece of a man is left," by nightfall the Mexicans were fleeing in confusion. With a force one-fourth the size of the enemy, General Taylor had won his greatest victory and won the Mexican War. In 1848 General Taylor was elected President of the United States and was inaugurated on 5 March 1849. On 4 July 1850, President Taylor, while attending a ceremony connected with the building of the George Washington monument, became ill and died on 9 July 1850, and shortly thereafter he was brought to Kentucky and interred in the Taylor family burial ground, now the Zachary Taylor National Cemetery, neglected and almost forgotten by the Nation until the Outdoor Art League of Louisville in 1921 initiated their plan for the establishment of a Zachary Taylor National Shrine; and

WHEREAS, the fifteen acres acquired by the State of Kentucky and deeded to the United States Government for the establishment of a Zachary Taylor National Shrine and Cemetery is now completely filled with the remains of service men and their families and sixty-three members of the Zachary Taylor family and two hundred slaves, and unless additional acreage is

obtained the Cemetery will be permanently closed to service men and their families forever; and

WHEREAS, the Zachary Taylor National Cemetery is an important link in the system of national military cemeteries in this country, and the closing of this Cemetery will create and cause great hardship to the families of countless number of veterans and service men desiring to be interred in Kentucky, especially in the Zachary Taylor National Cemetery; the National Cemetery should not only be enlarged for cemetery purposes but the home of Zachary Taylor "Springfield," adjacent to Zachary Taylor National Cemetery, should be acquired for a National Shrine and become a part of the Zachary Taylor National Cemetery thus making the Cemetery and the home a National Shrine; and

WHEREAS, "Springfield" the home of General Zachary Taylor for the first twenty-three years of his life, now 175 years old, built by General Taylor's father upon moving to Kentucky from Virginia, situated on Apache Road, in an excellent state of preservation, privately owned, the owners having indicated, as reported in an article appearing in the Louisville Courier-Journal on Sunday, 24 January 1960, that they would make the home available to the Government if assured it would become a part of a shrine, that this home stands near the Old Taylor Burial Grounds and now the Zachary Taylor National Cemetery, and that Time Magazine reported recently that the National Park Service is considering a systematic survey to ensure that at least one residence for each president will be preserved; and

WHEREAS, it appears that the memory of the life and exploits of Kentucky's greatest military leader and twelfth President of the United States is not well known to many of us and forgotten generally by the public hence, it behooves us, in reverence and everlasting appreciation for the accomplishments of General Zachary Taylor, for his leadership and services in making a great contribution to this Nation, which greatly helped in the formation of our United States as we have it today, and that the acquirement of his old home, "Springfield" for a National Shrine and for the expansion of the Zachary Taylor National Cemetery, where he will be surrounded by honored Veterans of the Wars

of the United States, will, indeed, be helpful and a fitting way of rendering a needed service to our service men and women and the Veterans of our armed forces, and in preserving the memory of General Zachary Taylor;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

(1) That the foregoing resolution in respect to General and former President of the United States, the Honorable Zachary Taylor, that the Congress of the United States of America be, and it hereby is memorialized to consider appropriate legislation to acquire "Springfield" the former home of General Zachary Taylor and to acquire additional acreage for the expansion of the Cemetery.

(2) That the Clerk of the House be directed to forward a copy of this Resolution to the Governor of the Commonwealth of Kentucky, the Lieutenant Governor, Speaker of the House of Representatives, Kentucky members of the United States Congress, the Chairmen of the House Military Affairs and Veterans Affairs Committee of the United States Congress, a copy to the Secretary of Defense, Secretary of the Army, and the Secretary of the Interior, urgently soliciting their support in the accomplishment of the purpose of this Resolution—the acquisition of "Springfield" and additional acreage for the expansion of Zachary Taylor National Cemetery.

Representative Blume movd the adoption of **HR 79.** Agreed.

**HR 77,** by Representative Hoffman: A RESOLUTION requesting Charles Michael Byrne to read his essay "What Democracy Means to Me" to the House of Representatives.

WHEREAS, Charles Michael Byrne, a Senior at Holy Name High School in Henderson was the state winner in the V.F.W. Voice of Democracy Contest; and

WHEREAS, as Kentucky's representative in the national contest to be held in Washington on March 4, Charles Michael Byrne will compete against other state contest winners for the national championship;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives requests Charles Michael Byrne to read his essay to the members of the House on Thursday, February 17 at 1:15 P.M.

Section 2. That a copy of this resolution be transmitted to Mr. Charles Michael Byrne in Henderson, Kentucky.

Representative Hoffman moved the adoption of **HR 77.** Agreed.

**HR 75,** by Representative Hardin: A RESOLUTION expressing gratitude for the presentation of Tennessee's Operation Crime Prevention.

WHEREAS, the presentation of Tennessee's Operation Crime Prevention before a joint session of the Kentucky General Assembly has been most enlightening; and

WHEREAS, the presentation of the Tennessee program will undoubtedly be of great benefit to the Commonwealth of Kentucky and the General Assembly in desgning a sounder rehabilitation and correction program; and

WHEREAS, the people of the Commonwealth of Kentucky and the members of the General Assembly are indebted to the State of Tennessee for the presentation of Tennessee's program, which has been most successful in explaining the consequences of crime and the purposes of rehabilitation and correction; and

WHEREAS, the State of Tennessee has been most cooperative in sharing its successful program with its neighbor, the Commonwealth of Kentucky; and

WHEREAS, the presentation of the Tennessee program was made possible through the efforts of Frank Clement, Governor of the State of Tennessee; Harry S. Avery, Commissioner of Corrections; and Richard Pek Gunn, Director of Prison Personnel and Services;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the gratitude of the members of the General Assembly and of the people of the Commonwealth of Kentucky is hereby extended to Frank Clement, Governor of the State of Tennessee; Harry S. Avery, Commissioner of Corrections; and Richard Pek Gunn, Director of Prison Personnel and Services, for the outstanding presentation of Tennessee's Operation Crime Prevention to a joint session of the Kentucky General Assembly.

Section 2. That a copy of this resolution be sent to Frank Clement, Governor of the State of Tennessee; Harry S. Avery, Commissioner of Corrections; and Richard Pek Gunn, Director of Prison Personnel and Services.

Representative Hardin moved the adoption of **HR 75.** Agreed.

## Report of Committees

The Committee on Committees reported **SR 34** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SR 34,** A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

*Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

That when the Senate and the House of Representatives do adjourn on Friday, February 18, 1966, they do so to convene again on Wednesday, February 23, 1966, at a time set by motion duly adopted in the respective Houses.

The Committee on Appropriations reported **HB 17** with the expression of opinion that the same should not pass.

The Committee on Appropriations reported **HB 90** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 90,** AN ACT relating to accounting systems and procedures of state government.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of Chapter 45 of the Kentucky Revised Statutes is created to read as follows:

(1) The Department of Finance shall be responsible for establishing the accounting system to be used by the state or any agency of the state to insure adequate accounting and control of the state expenditures. The system used may include cost accounting practices and procedures.

(2) The Department of Finance may delegate in whole or in part to any budget unit the fiscal responsibility, including preaudit, payment, and maintenance of supporting documents, relating to the operations of that unit, subject to the following conditions:

(a) The budget unit concerned shall comply strictly with the accounting system, internal control, and reporting procedures directed for it and delegated by the Department of Finance.

(b) The accounting system and internal controls of the budget unit concerning shall be periodically audited by the Department of Finance to insure compliance with the delegation.

This delegation may include the preaudit responsibility assigned to the Department of Finance pursuant to the provisions of KRS 42.030 and 45.220; in any instance of such a delegation, the budget unit concerned shall maintain in a central place all supporting matters such as purchase orders, invoices, and pay-in vouchers supporting documents.

(3) Any unencumbered balance in an expenditure account may be expended regardless of whether the funds have been previously encumbered for that expenditure; provided, however, that such expenditure is authorized, and that funds are available in the accounts of the budget unit concerned.

(4) The Department of Finance may issue a warrant to transfer appropriated funds to a budget unit to provide the funds to pay those liabilities which are represented by audited docu-

ments for which the expenditures have been authorized in compliance with statutory provisions. The head of the budget unit concerned shall satisfy the Department of Finance that all applicable employees of the budget unit are adequately bonded to protect the interest of the Commonwealth.

(5) No provision of this section shall relieve the Department of Finance of the responsibility of accounting for appropriations.

The Committee on Courts and Legal Procedures reported **HB 254, HB 255, HB 263, HB 286, HB 303, HB 342** and **HB 343** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 254**, AN ACT relating to trial commissioners for the county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 25.280 is amended to read:

The judge of the county court, in each county of this Commonwealth wherein the fiscal court may authorize, is hereby authorized to appoint a trial commissioner or commissioners who shall hold office at the pleasure of the judge, and shall discharge such judicial duties as may be assigned to him by the judge. The commissioner shall report his actions to the judge for the approval or disapproval of the judge. *The commissioner, when authorized by an order of the county court, duly entered of record, may issue search warrants and warrants for arrest when such warrants are authorized by law.* The commissioner must possess the qualifications of a judge of the county court. He shall receive a salary to be fixed by the fiscal court of the county, which salary shall not exceed fifty dollars per annum, except in counties containing a population of two hundred thousand or more and in counties containing a city of the second class, in which counties, by reason of the increased duties of the county judge resulting from the amount of population, the fiscal court may fix the salary of the commissioner [at not more than thirty-six hundred dollars per annum]. The salary of the commissioner shall be paid in the same way as the county judge is paid.

**HB 255,** AN ACT relating to private corporations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 271.055 of the 1964 Supplement to KRS is amended to read:

(1) The articles of incorporation in triplicate originals shall be acknowledged by at least one of the incorporators before an officer authorized by the laws of this state to take acknowledgements and the triplicate originals shall be delivered to the Secretary of State. If he finds that the articles of incorporation have been signed and acknowledged according to law, he shall, when all taxes, fees and charges have been paid as required by law, record one original in his office, and issue a certificate of incorporation. There shall be paid to the Secretary of State a fee of three dollars for recording the articles, and a fee of one dollar for issuing a certificate of incorporation.

(2) The certificate of incorporation together with the remaining original articles of incorporation, endorsed with the fact and time of recording in the office of the Secretary of State, shall be returned to the incorporator or incorporators or his or their representatives. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporation. The clerk of the county court shall be paid a fee of three dollars for recording said articles.

(3) No foreign corporation, except a foreign insurance company, shall be authorized to do business in this state until it has filed a certified copy of its articles of incorporation and all existing amendments in the office of the Secretary of State. It shall thereafter file a certified copy of subsequent amendments to its articles in the office of the Secretary of State. Such corporations shall pay to the Secretary of State an original filing fee of twenty-five dollars and a recording fee of ten dollars for recording the articles of incorporation and accompanying amendments, and shall pay the same recording fee for recording subsequent amendments.

(4) A copy of any articles of incorporation and all amend-

ments thereto *or a copy of any restated articles of incorporation* of both domestic and foreign corporations as recorded in the office of the Secretary of State, under the certificate and seal of that office, shall be accepted as evidence in any court for any purpose in any action in which the original could be used. For furnishing a certified copy of the record to any party, the Secretary of State shall charge the same fee *as that* [to be] charged for the recordation of that instrument.

Section 2. Section 271.165 of the 1964 Supplement to KRS is amended to read:

(1) Each shareholder shall be entitled to a certificate of stock signed by the president or a vice president, and the secretary or an assistant secretary, or by such officers as the articles of incorporation or bylaws may provide, but when any such certificate is signed by a transfer agent or registrar, or by an officer of the corporation designated by the articles of incorporation or bylaws, the signature of any such other corporate officers and the corporate seal, if any, upon such certificate may be facsimile engraved or printed. In case any officer designated for the purpose who has signed or whose facsimile signature has been used on any such certificate shall, from any cause, cease to be such officer before the certificate has been delivered by the corporation, the certificate may nevertheless be adopted by the corporation and be issued and delivered as though the person had not ceased to be such officer.

(2) Every certificate of stock shall state:

(a) The State of incorporation;

(b) The name of the registered holder of the shares represented thereby;

(c) The number and class of shares which the certificate represents; and

(d) If the corporation is authorized to issue shares of more than one class, *or more than one series of any class,* the voting power, designation, preference, and relative, participating, optional or other special rights, and qualifications, limitations of restrictions thereof, granted to or imposed upon the shares of each class, in full, or a summary thereof with a reference to the articles

of incorporation; *except that in lieu of the foregoing requirements there may be set forth on the face or back of the certificate which the corporation issues, a statement printed in conspicuous bold face type that the corporation will furnish without charge to each shareholder who so requests, the voting power, designation, preference, and relative, participating, optional or other special rights, and qualifications, limitations or restrictions thereof, granted to or imposed upon the shares of each class of stock or series thereof.*

(3) A certificate for shares having no par value shall not state any par value, nor any value thereof in money, nor any rate of dividend to which such shares shall be entitled in terms of a percentage of any par or other value.

(4) A corporation may issue to a shareholder full or fractional share warrants evidencing the number of shares, or the fraction of a share to which the shareholder is entitled to subscribe pursuant to resolutions of the board of directors, and evidencing the terms or conditions of such subscription rights.

Section 3. KRS 271.315 is amended to read:

(1) Except as otherwise provided in the articles of incorporation, every shareholder of record shall have the right at every shareholders' meeting to one vote for every share standing in his name on the books of the corporation. Unless the articles or bylaws otherwise provide, the board of directors may fix a time not exceeding *sixty* [forty] days preceding the date of any meeting of shareholders, or the date fixed for the payment of any dividend or distribution, or the date for the allotment of rights, or, subject to contract rights with respect thereto, the date when any change or conversion or exchange of shares shall be made or go into effect, as record date for the determination of the shareholders entitled to notice of and to vote at any such meeting, or entitled to receive payment of any such dividend, or allotment of rights, or to exercise the rights in respect to any such change, conversion or exchange of shares, and in such case only shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting, or to receive payment of such dividend, or allotment of rights or to exercise such rights, as the case may be, notwithstanding any transfer of shares on the

books of the corporation after the record date fixed as aforesaid. The board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period.

(2) In all elections for directors of a corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote under its articles of incorporation, multiplied by the number of directors to be elected at such election; and each shareholder may cast the whole number of votes for one candidate, or distribute such votes among two or more candidates. Such directors shall not be elected in any other manner.

(3) Every shareholder shall have the right to cast his vote either in person or by proxy duly authorized in writing and filed with the secretary. Except as may be provided under subsection (4) of this section, a proxy, unless coupled with an interest, shall be revocable at will notwithstanding any other agreement or any provision in the proxy to the contrary. The validity of every unrevoked proxy shall cease eleven months after the date of its execution unless some other definite period of validity shall be expressly provided therein, but in no event shall a proxy, unless coupled with an interest, be voted on after three years from the date of its execution. The revocation of a proxy shall not be effective until the secretary of the corporation has received notice of such revocation.

(4) A person whose shares are pledged shall be entitled to vote thereon until said shares have been transferred on the books of the corporation to the pledgee, and thereafter the pledgee shall be entitled to vote the same. A person holding shares in a fiduciary capacity may vote the same in person or by proxy. Where shares are held jointly by three or more fiduciaries acting under an instrument becoming effective after June 30, 1946, the will of the majority of such fiduciaries shall control the manner of voting or the giving of a proxy unless the instrument or order appointing the fiduciaries otherwise directs. Where, in any case, fiduciaries are equally divided upon the manner of voting shares jointly held by them, any court of competent jurisdiction may, upon petition filed by any of the fiduciaries, or by

any beneficiary, appoint an additional person to act with the fiduciaries in determining the manner in which the shares shall be voted upon the particular questions as to which the fiduciaries are divided.

(5) A corporation owning shares in another corporation may vote the same by its president or by proxy appointed by him unless some other person, by resolution of its board of directors, shall be appointed to vote such shares, in which case such person shall be entitled to vote upon the production of a certified copy of such resolution.

(6) Shares of a corporation belonging to the corporation shall not be voted nor counted in calculating the total voting power of all shareholders of the corporation at any given time.

(7) Subject to the provisions of this chapter with respect to the vote that shall be required for a specific action, the articles of incorporation or the bylaws may specify the votes that shall be necessary for the transaction of any business.

Section 4. Section 271.345 of the 1964 Supplement to KRS is amended to read:

(1) The business of every corporation shall be managed by a board of at least one director. A director shall hold office for the term of which he was named or elected and until his successor is elected and has accepted the election. He need not be a shareholder unless the articles of incorporation so require.

(2) After the issuance of the certificate of incorporation, the first meeting of shareholders shall be held, either within or without this state, at the call of the incorporator or incorporators or a majority of them, for the purpose of electing directors, of making bylaws if the articles of incorporation do not provide for the making thereof by the directors, and for such other purposes as shall be stated in the notice of the meeting. The incorporators so calling the meeting shall give at least three days notice thereof by mail to each shareholder, which notice shall state the time, place, and purpose of the meeting.

(3) After the election by shareholders of the directors constituting the first board of directors, and organization meeting

of such board of directors shall be held, either within or without this state, at the call of a majority of the directors so elected, for the purpose of adopting bylaws if the articles of incorporation so provide, for the purpose of electing officers, and for the transaction of such other business as may come before the meeting. The directors callng the meeting shall give at least one day's notice thereof by mail to each director so elected, which notice shall state the time and place of meeting. Such call and notice shall not be necessary if all directors are shown by the minutes of such meeting to have been present thereat.

(4) The number, qualifications, manner of election, time and place of meeting, and the powers and duties of the directors may, subject to the provisions of this chapter be prescribed by the articles of incorporation or bylaws. Directors shall be elected for terms of one year, except that it may be provided by the articles or bylaws or by a vote of the shareholders, that the directors be elected for terms of two years or three years, in which case the terms shall be so arranged that the terms of an equal or nearly equal number of directors will expire each year. Except as otherwise provided in the articles or bylaws:

(a) Vacancies in the board of directors shall be filled by the remaining member or members of the board. Each person so elected shall be a director until his successor is elected by the shareholders, who shall make such election for the unexpired term, if any, at the next annual meeting of the shareholders or at a special meeting duly called for that purpose;

(b) The meetings of the board of directors may be held at such place, in this state or elsewhere, as the bylaws may provide;

(c) A majority of the board of directors shall constitute a quorum for the transaction of business, unless the bylaws provide that a different number shall constitute a quorum, which in no case shall be less than one-third of the total number of directors nor less than two directors. The acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the board of directors;

(d) The board of directors may, by resolution passed by a majority of the whole board, designate two or more of their

number to constitute an executive committee, who, to the extent provided in the resolution, shall have and exercise the authority of the board of directors in the management of the corporation.

*(e) Unless otherwise restricted by the Articles of Incorporation, or By-laws, any action required or permitted to be taken at any meeting of the Board of Directors or any Committee thereof may be taken without a meeting if prior to such action a written consent thereto is signed by all members of the Board of Directors, or of such Committee as the case may be, and such written consent is filed with the minutes of proceedings of the Board of Directors or Committee.*

Section 5. A new section of KRS is created to read:

(1) A corporation, where authorized by its board of directors, may restate in a single document the text of its articles of incorporation as amended theretofore, without making any further amendment thereby. Restated articles of incorporation shall be prepared in triplicate originals, certifying the authorization thereof, and shall be signed and acknowledged by the president or a vice president and the treasurer or secretary.

(2) The triplicate originals of the restated articles of incorporation shall be delivered to the Secretary of State. If the Secretary of State finds that the restated articles of incorporation have been duly signed and acknowledged in the same manner as original articles of incorporation, he shall, when all fees have been paid as required by law, record one original in his office and shall issue a certificate of restated articles of incorporation. Thereupon the restated articles of incorporation shall become effective.

(3) The certificate of restated articles of incorporation, together with the remaining original restated articles of incorporation endorsed with the fact and time of filing in the office of the Secretary of State, shall be returned to the corporation. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

(4) The Secretary of State and the clerk of the county

court shall be paid the same fees for recording restated articles of incorporation as they are paid for recording articles of incorporation, and the Secretary of State shall be paid the same fee for issuing a certificate of restated articles of incorporation as he is paid for issuing a certificate of incorporation.

**HB 263,** AN ACT relating to the commitment of incompetent persons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 202.100 is amended to read:

(1) When the petition mentioned in KRS 202.040 has been properly filed with the clerk of the court, the court shall appoint two physicians to examine the defendant and to certify to the court as to whether they find the defendant to require further observation or study in a mental hospital, but if the petition mentioned in KRS 202.040 is for the inquest of one alleged to be mentally defective, the court shall appoint two physicians or one physician and one certified clinical psychologist licensed under the provisions of KRS Chapter 319 to examine the defendant and to certify to the court as to whether they find the defendant to need further study in an institution.

(2) Where possible, the physicians or physician selected shall have made a special study of mental deficiency and mental disease. The examiners, either physicians or physician and certified clinical psychologist, shall be entitled to a fee of ten dollars each for such examination and certification, to be paid by the *defendant except that where the defendant is indigent the fees provided herein shall be paid by the* county in which the petition is filed, upon a certified copy of an order of allowance made by the court holding the inquest.

Section 2. KRS 202.295 is amended to read:

In each restoration proceeding the court shall appoint a member of the bar to represent and protect the interest of the patient and said attorney shall be entitled to a fee of ten dollars for his services to be paid *by the patient, except that where the patient is indigent, the fee provided herein shall be paid* by the county in which the restoration proceeding is held, upon a cer-

tified copy of an order of allowance made by the court holding the proceeding.

**HB 286,** AN ACT providing for the conduct of hearings by Juvenile Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 208.060 is amended to read:

All cases involving children shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings shall be conducted in an informal manner, and may be adjourned from time to time. The general public shall be excluded and only such persons admitted as the judge shall find to have a direct interest in the case or in the work of the court [.] *; provided, however, that whenever the hearing in the juvenile court is held on a written petition charging the commission of any felony, persons having a legitimate interest in the proceeding, including responsible representatives of public information media, shall not be excluded from such hearing. All cases involving children shall be heard separately and apart from the trial of cases against adults.* The presence of the child in court may be waived by the court at any stage of the proceedings.

**HB 303**, AN ACT relating to the practice of architecture.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 323.010 is amended to read:

As used in this chapter, unless the context requires otherwise:

(1) "Board" means the *Kentucky Board of Architecture* [State Board of Examiners and Registration of Architects of Kentucky];

(2) An "architect" is a natural person, *who by professional architectural education and practical experience is technically qualified and licensed under the laws of this Commonwealth to engage in the practice of architecture* [proficient in the art of planning, designing, specifying, supervising and administering

the construction of buildings and who is licensed to practice architecture];

(3) The "practice of architecture" consists of performing or offering to perform any professional service involving consultations, planning, designing, specifying, responsible supervision or administration of the construction of any building or additions or alterations thereto;

(4) A "building" is a structure erected as a shelter for human beings, their activities and possessions.

Section 2. KRS 323.030 is amended to read:

(1) A nonresident licensed to practice architecture in his own state or country but not in the Commonwealth and having no established place of business in the Commowealth may act solely as a consulting associate of an architect licensed in the Commonwealth.

(2) An architect acting solely as an officer or employe of the United States Government is not required to be licensed in the Commonwealth.

(3) *Any person who is licensed under the laws of the Commonwealth of Kentucky as a registered professional engineer may perform such architectural work as is incidental to or integral with egineering projects or utilities.* [A licensed professional engineer may prepare plans and specfications for and supervise the construction of structures as an incident to the practice of his own profession.]

(4) If the drawings and specifications are signed by the authors thereof with the true titles of their occupations as may be required by law, this chapter does not apply to:

(a) Any building which is to be used for farm purposes only;

(b) Any building containing not more than 20,000 square feet total floor area, except:

1. An asylum, hospital, nursing or covalescent home, or home for the aged, regardless of capacity;

2. A school or educational institution, regardless of capacity;

3. A residential building containing more than twelve bedrooms, *except a single family dwelling;*

4. A place of assembly *having a capacity in excess of one hundred persons* [, regardless of capacity];

5. A mercantile building having a capacity in excess of one hundred persons;

6. An industrial building having a capacity in excess of one hundred persons; and

7. An office building having a capacity in excess of one hundred persons;

(c) Alterations to any building to which this chapter does not apply. [, if the alterations do not involve changes affecting structural safety.]

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

This chapter shall not prevent a licensed architect from performing such engineering work as is incidental to or integral with architectural projects.

Section 4. KRS 323.050 is amended to read:

(1) To obtain a license to practice architecture in Kentucky an applicant must satisfactorily pass an examination as prescribed by the board, except as otherwise provided in this chapter.

(2) Every applicant for examination shall fulfill the following requirements:

(a) Must be of good moral character; and

(b) Must be a *legal resident of the Commonwealth of Kentucky* [citizen of the United States of America] and at least twenty-five years of age; and either

(c) Must be a graduate of an accredited school of architecture, *or the equivalent thereto as may be determined by regulation of the board,* with at least three years' additional architectural experience satisfactory to the board; or

(d) Must be a graduate of an accredited high school or

have had education equivalent thereto as determined by the board, and, in addition, at least five years' varied architectural experience satisfactory to the board. *This provision will expire on July 1, 1971.*

(3) Examinations shall be given at least *annually* [semi-annually], the time and place to be established by the Board.

Section 5. KRS 323.080 is amended to read:

(1) Fees for the following services shall be established by the rules of the board, and in no case shall they exceed the following schedule:

(a) For an examination ..... $50.00

(b) For a license certificate *after written examination* ..... 25.00

[(c) For the restoration of an expired license ..... 25.00]

(c) [(d)] For a license to an architect satisfactorily licensed in another state or country .. 50.00

*(d) Renewal Certificate ..... 50.00*

(2) The proper fee as prescribed above shall be paid to th board, and shall not be refunded in whole or in part.

Section 6. KRS 323.090 is amended to read:

Any applicant who fails to pass an examination may [, without paying an additional fee,] enter any subsequent examination held within three years from the date of *initial* [the] examination [he failed to pass]. *Failure to pass all examination sections within the prescribed period requires the candidate to return to the status of new applicant.*

Section 7. KRS 323.095 is amended to read:

(1) Each architect licensed for practice within the Commonwealth shall secure *a* [an embossed circular] seal of the design prescribed by regulation of the board.

(2) All working drawings [,] *and* specifications *and other professional documents* [and reports] prepared by, or under the supervision of *persons licensed under the provisions of this chap-*

*ter* [the individual, partnership or firm,] must bear the imprint of this seal.

(3) No architect shall [sign or] affix his seal to any drawings *or other professional documents* [, specifications or reports] which have not been prepared under his [immediate] supervision.

Section 8. KRS 323.110 is amended to read:

(1) (a) All architects desiring to continue practice shall annually, prior to July 1, secure from the board a renewal certificate upon the payment of *the prescribed fee* [a fee of not more than fifteen dollars]. Not later than June 15 of each year the board shall notify by mail all architects of the renewal date and fee. Application for a renewal shall be upon such form as is prescribed by the board and the architect shall furnish the information required by such form.

(b) Failure of any architect to secure his renewal certificate within *ninety* [sixty] days after July 1 shall constitute *automatic revocation of* [sufficient cause for the board to revoke] his license.

(c) The board may restore a license that has been revoked for failure to pay the renewal fee [, after one year from the date of revocation and] upon the payment of all delinquent fees. *If five years after revocation have elapsed, a person previously licensed as an architect in the Commonwealth of Kentucky shall return to the status of a new applicant.*

(2) A licensed architect may voluntarily surrender his license to the board and thereby be relieved of the annual renewal fee. After surrendering his license, he shall not be known as a licensed architect and shall desist from the practice thereof. Within five years from the time of surrender of the license he may again qualify for a license without examination by the payment of the *current renewal fees* [required fee]. If five years thereafter have elapsed, he shall return to the status of a new applicant.

Section 9. KRS 323.120 is amended to read:

(1) The board may refuse to renew or may suspend or

revoke the license of any architect to practice architecture in the Commonwealth of Kentucky for any of the following reasons:

(a) Gross incompetency or gross negligence in the planning or construction of buildings, as determined by the board;

(b) Unprofessional conduct, or conduct tending to bring the profession into disrepute, as determined by the board;

(c) Conviction of a felony;

(d) Fraudulent or dishonest architectural practice;

(e) Use of false evidence or misrepresentations in an application for licensing;

(f) [Signing or] Affixing his seal to any plans, prints, specificatons of buildings *or other related documents* [, or reports,] which have not been prepared by him personally or [by his employees] under his supervision.

(2) The board shall revoke the license of an achitect who practices architecture while his license is suspended.

Section 10. KRS 323.130 is amended to read:

(1) No license shall be revoked or suspended without a hearing *except for failure to secure the renewal certificate.* The board may proceed against a licensee on its own initiative, on the basis of either information contained in its own records or information obtained through its informal investigation. When a formal complaint verified by affidavit is filed with the board by a responsible citizen or organization, containing allegations that if true would warrant suspension or revocation of a license, the board shall proceed against the licensee within three months.

(2) A written notice stating grounds for possible suspension or revocation of the license, setting forth with reasonable particularity the facts constituting the alleged offense and the time and place of the hearing before the board on the charges, shall be served on the accused not less than twenty days prior to the date of the hearing either personally or by mailing copy thereof by registered mail to the address of the accused last known to the board.

Section 11. KRS 323.150 is amended to read:

The board shall consist of five members, four of whom shall be appointed by the Governor. The fifth member of the board shall be the *Head of the School of Architecture* [Dean of the College of Engineering] of the University of Kentucky. [But if at any time a five-year professional curriculum of architecture is established in the Commonwealth of Kentucky, the head of such curriculum shall replace the Dean of the College of Engineering of the University of Kentucky as a member of the board.]

Section 12. KRS 323.210 is amended to read:

(1) The board shall:

(a) Adopt and provide itself with a seal with a band inscribed, "*Kentucky Board of Architecture*" ["State Board of Examiners and Registration of Architects of Kentucky"] with the coat of arms of the state in the center;

(b) Make all necessary regulations concerning the contents and conduct of examinations, the method and time for filing applications for examinations and the time within which an applicant shall be examined after his application has been filed;

(c) Keep a complete record of its proceedings and an accurate list of all applications made, licenses issued and licenses revoked; and

(d) Make a general report including finances to the Governor annually.

(2) The board may adopt all reasonable regulations *and take such action* not inconsistent with this chapter *as may be deemed* [that are] necessary to carry into effect the purposes of this chapter.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No state, county or city official charged with the administration or enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings, shall accept or approve any plans or specifications which have not been prepared and submitted in full accord with the provisions of this

chapter. Payment shall not be approved by any public body for any work, the plans and specifications for which have not been prepared in accordance with the provisions of this chapter.

(2) Neither the state nor any of its political subdivisions shall engage in the construction of any public building, unless the plans, spcifications and other related documents have been prepared in accordance with the provisions of this chapter.

**HB 342,** AN ACT relating to lewd, lascivious, indecent or obscene language, suggestion or proposals over the telephone.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It shall be unlawful for any person to make use of telephone facilities or equipment for the purpose of communicating language, suggestions or proposals which are obscene, profane, lewd, lascivious or indecent in a manner reasonably to be expected to annoy, abuse, harass, torment or embarass another.

Section 2. Any person violating any of the provisions of Section 1 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $50.00 nor more than $1,000, or to imprisonment for not more than one year or both.

Section 3. After the ninetieth day following the effective date of this Act, every telephone directory thereafter published for distribution to members of the general public shall contain a notice which explains this law, such notice to be printed in type which is no smaller than the smallest type on the same page, and to be preceded by the word "WARNING". The provisions of this section shall not apply to directories solely for business advertising purposes, commonly known as classified directories.

**HB 343,** AN ACT relating to the statutes of limitations of certain civil actions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

An action for an injury to the person of the plaintiff, or his wife, child, ward, apprentice or servant shall be commenced within two years after the cause of action accrued.

Section 2. Section 413.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following actions shall be commenced within one year after the cause of action acrrued:

[(a) An action for an injury to the person of the plaintiff, or his wife, child, ward, apprentice or servant.]

*(a)* [(b)] An action for injuries to [persons] cattle or other livestock by railroads or other corporations.

*(b)* [(c)] An action for malicious prosecution, conspiracy, arrest, seduction, criminal conservation or breach of promise of marriage.

*(c)* [(d)] An action for libel or slander.

[(e) An action against a physician or surgeon for negligence or malpractice.]

*(d)* [(f)] An action for the escape of a prisoner, arrested or imprisoned on civil process.

*(e)* [(g)] An action for the recovery of usury paid for the loan or forbearance of money or other thing, against the loaner or forbearer or assignee of either.

*(f)* [(h)] An action for the recovery of stolen property, by the owner thereof against any person having the same in his possession.

*(g)* [i)] An action for the recovery of damages or the value of stolen property, against the thief or any accessory.

(2) In respect to the action referred to in paragraph *(e)* [(g)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of payment. This limitation shall apply to all payments made on all demands, whether evidenced by writing or existing only in parol.

(3) In respect to the action referred to in paragraph *(f)* [(h)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time the property is found by its owner.

(4) In respect to the action referred to in paragraph *(g)* [(i)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of discovery of the liability.

Section 3. The new section of the Kentucky Revised Statutes created by Section 1 of this Act shall be numbered KRS 413.135 and inserted in the body of the Kentucky Revised Statutes between sections KRS 413.130 and KRS 413.140, so that KRS 413.170, KRS 413.180, and KRS 413.190 shall apply thereto.

The Committee on Agriculture reported **HB 53** with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

The Committee on Agriculture reported **HB 161** with the expression of opinion that the same should not pass.

The Committee on Agriculture reported **HB 227** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 227,** AN ACT relating to weights and measures.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 363.240 is amended to read:

(1) The department shall have the power to:

(a) Inspect, test, try and ascertain if they are correct, all weights, measures, and weighing or measuring devices kept, offered or exposed for sale in this state, or commercially used or employed in proving the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, purchased or offered or submitted for sale, hire or award, or in computing any charge for services rendered on the basis of weight or measure, *or when used by any corporation or person in his business or occupation to prove or determine the size, quantity, extent area or measurement of quantities and things purchased,* or in determining weight or measure when a charge is made for such determination, except that this power shall not extend to meters of public utility companies which are tested by authority of the Public Service Commission, and except

that this power shall be subject to the provisions of KRS 351.180 and 352.520.

(b) Inspect, test and weigh all packaged commodities purchased or offered for sale in this state to ascertain if they are correctly labeled as to weight, measure or numercial count.

(2) For the purposes mentioned in subsection (1) and in the enforcement and administration of KRS 363.170 to KRS 363.290, the director and inspectors in the employ of the division may, without warrant, enter and go into or upon any stand, place, building or premises, or stop any vendor, peddler, itinerant buyer, or person in charge of any delivery vehicle, and require him, if necessary, to proceed to some suitable place where the inspection or test contemplated by this section may be made.

The Committee on Municipalities reported **HB 39** with the expression of opinion that the same should not pass.

The Committee on Municipalities reported **HB 43** with the expression of opinion that the same should not pass.

The Committee on Municipalities reported **HB 120, HB 160, HB 196** with Committee amendment attached thereto, and **HB 199** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 120,** AN ACT providing for the termination of a joint riverport authority created pursuant to KRS 65.510-KRS 65.650.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 65.550 is amended to read:

*(1)* In the event that joint riverport authority is created by cities and/or counties, and thereafter a city or cities or county or counties desire to withdraw from participation, then the remaining participants may jointly choose a successor member or members of the authority. No such withdrawing city or cities or county or counties shall be entitled to the return of any money or property advanced such authority.

*(2) Notwithstanding the provisions of subsection (1), any*

*cities and/or counties which have established a joint riverport authority as provided for herein, may provide by a mutual written agreement between such cities and/or counties, and the joint riverport authority, that such joint riverport authority may be dissolved and may further provide that upon such complete termination, all funds, property and other assets held by the joint riverport authority shall be returned to such cities and/or counties in the same proportion as contributions of funds, property and other assets were made by such cities and/or counties.*

**HB 160,** AN ACT changing the classification of the City of Lynch in Harlan County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Lynch in Harlan County is such as to justify its being classified as a city of the fifth class;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Lynch in Harlan County is transferred from the sixth to the fifth class of cities.

**HB 196,** AN ACT relating to city streets.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Any street which has been dedicated and accepted by a city and which has not been used by the public as a public thoroughfare for a continuous period of fifteen years, shall be deemed abandoned and vacated. The owners of the land over which the abandoned and vacated street passes shall have full title to the surface of the land, unencumbered by the rights of the city or public to the use thereof as a street.

Committee amendment to **HB 196** is as follows:

Amend printed copy of House Bill 196 on page 1, line 5, by: deleting the word "full"

and on page 1, line 7, by adding after the word "street" the following:

"provided, however, any public utility with facilities located in said street shall have a permanent easement for such facilities."

**HB 199,** AN ACT relating to police judges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 26.150 is amended to read:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance at not [more than $4800 nor] less than $3000 per annum, and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be police judge unless at the time of his election he is at least twenty-five years of age, *an attorney-at-law,* and has been a resident of the city for at least four years.

The Committee on Municipalities reported **HB 230** with the expression of opinion that the same should pass.

The Committee on Municipalities reported **HB 272, SB 5** and **SB 20** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 272,** AN ACT relating to annexation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Whenever any city has enacted an ordinance proposing to annex any territory and the annexation of the territory is being challenged in the manner provided by law, the city may proceed to annex any land contained in the area proposed to be annexed, which is contiguous to the borders of the city, if the owner of such land consents to the annexation.

**SB 5,** AN ACT relating to pension funds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A city of the third class may adopt an ordinance creating a pension fund for firemen and policemen pursuant to this Act as an alternative to the fund established in KRS 95.520 to 95.620. In the event a third class city does elect to adopt this Act all the provisions herein are mandatory.

Section 2. (1) There shall be created in cities of the third class a policemen's and firemen's pension fund, and a board of trustees for that fund.

(2) In cities of the third class the board of trustees of the policemen's and firemen's pension fund shall be composed of the mayor, city treasurer, chief of the police department, chief of the fire department and one member each from the police and fire departments shall be elected by the respective members of those departments annually by ballot, one from each department, and shall serve for one year and until their successors are elected and qualified. The board shall select from their number a president and a secretary. The board of trustees shall be the trustees of the pension fund and of all moneys donated or paid for the relief or pensioning of members of the police and fire departments. It may do all things necessary to protect the fund.

Section 3. (1) The board of trustees of the pension fund may make all necessary rules for its government in the discharge of its duties, and shall hear and decide all applications for benefits or pensions. Its decision on these applications shall be conclusive, and not subject to revision or reversal, except by the board except as provided in subsection (1) of section 5 of this Act. A record shall be kept of the meetings and proceedings of the board.

(2) The board of trustees of the pension fund shall make an annual report on the condition of the pension fund to the city commission or council at its first meeting in May of each year.

(3) The city attorney shall, if requested, advise the board of trustees of the policemen's and firemen's pension fund in all matters pertaining to its duties and to the management of the fund. He shall represent and defend the board in all actions that may be brought against it, and bring all action in its behalf that may be requested by the board.

Section 4. The pensions or benefits paid for disability or death from the policemen's and firemen's pension fund in cities of the third class shall be as follows:

(1) If any member of the police and fire department becomes temporarily totally disabled, physically or mentally, the board of trustees of the pension fund shall order paid to him monthly, during his disability, until he has recovered and returned to active duty a sum of not more than one-half his salary per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.

(2) If any member of the police or fire department becomes permanently disabled, physically or mentally, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent of his monthly salary at the time of his retirement.

(3) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after one year of service in the department and leaves a widow or a child under eighteen years of age the board of trustees shall order a pension paid to the widow, while unmarried, of one-half of salary per month and for each child until it reaches the age of eighteen years, twenty four dollars per month. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of one-fourth of salary per month. If one parent is dead, the other shall receive the entire one-fourth salary.

Section 5. (1) In cities of the third class, any member of the police or fire department having served twenty years or longer consecutively in the police or fire department may petition the board of trustees for retirement, and if his petition is granted the board may order paid to him monthly fifty percent of his monthly salary at the time of retirement. If this petition for re-

tirement is denied, any policeman or fireman has the right of appeal in accordance with the rules of civil procedure.

(2) The pension payable for periods of service between twenty and twenty-five years shall be fifty percent of salary plus two percent of salary for each year in excess of twenty. The pension payable for twenty-five years of service shall be sixty percent of salary. The pension payable for periods of service between twenty-five and thirty years shall be sixty percent of salary plus three percent of salary for each year in excess of twenty-five. The pension payable for thirty years of service shall be seventy-five percent of salary.

Section 6. Any member of the police or fire department of a city of the third class, who, while a member of the police or fire department entered the Armed Forces of the United States, and who was honorably discharged therefrom shall upon his return to that police or fire department be entitled to the same pension or benefits provided by this Act as if the member had remained on active duty with that police or fire department, and his time served in the Armed Forces shall be added to his previous service and shall be construed for purposes of eligibility for pensions or benefits, either for himself or his beneficiaries, as a part and continuation of his consecutive years of service with that police or fire department; except this section shall apply only to those members who served in World War II or any emergency conflict called by the President of the United States, who apply for reinstatement within ninety days after the date on which the member first received or could have received an honorable discharge and shall not apply to those members re-enlisting in the Armed Forces of the United States.

Section 7. When an active or retired member of the police or fire department dies under the conditions set out in subsection (3) of Section 4 of this Act the board of trustees of the pension fund may pay from the fund to the widow or family a sum of not more than one hundred dollars for funeral expenses.

Section 8. (1) The policemen's and firemen's pension fund in cities of the third class shall consist of:

(a) The proceeds of an annual tax levied by the board of

commissioners or council, the amount to be determined by the commissioners or council. Policemen and firemen shall contribute the same rate as Social Security from their salary.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(2) Both the principal and interest of the pension fund shall be applicable to the payment of pensions in cities of the third class.

Section 9. (1) The city treasurer shall be ex officio treasurer of the board of trustees of the pension fund, and custodian of the pension fund.

(2) The treasurer, as custodian, shall securely keep the fund, subject to the control of the board, and shall keep his books and accounts concerning the fund in such manner as may be prescribed by the board. The books and accounts shall always be subject to the inspection of the board or any board member.

(3) The treasurer shall, within ten days after his election, execute a bond to the city with good surety, in such penal sum as the board of trustees directs, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all money and properties that come into his hands as treasurer of the pension fund, and that upon the expiration of his term of office he will deliver to his successor all securities, unexpended moneys and other properties that come into his hands as treasurer of the fund. The bond shall be filed in the office of the treasurer, and suit may be filed thereon in the name of the city for the use of the board or any person injured by its breach.

Section 10. (1) In case of insufficient funds the city will be held responsible for the payment of the monthly payments of the pension fund after the entire proceeds of said pension fund have been transferred to the general fund of the city of the third class.

(2) The tax which is to be levied by the board of commissioners or council to support the pension fund shall be computed

by determining the amount needed to meet the monthly requirements of this Act.

Section 11. Any member of the police or fire department serving at the time of passage of the ordinance and not desiring to participate in the fund and its benefits may be excluded by notifying the board of trustees of the pension fund in writing of his desire not to participate within ten days after the effective date of this ordinance.

**SB 20,** AN ACT relating to police and fire departments in cities of the second and third classes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 95.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the second class shall, and the city legislative body in cities of the third class may, require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.

(2) Each member of the police or fire department in cities of the second and third classes shall be *a registered voter in the county containing the city of employment,* [a qualified voter of the city,] able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a man of sobriety and integrity, and is and has been an orderly, law-abiding citizen. In a city of the second class no person shall be appointed a member of either of such departments if he is over fifty years of age.

(3) Members of the police and fire departments in cities of the second and third classes qualified under this section shall hold their positions during good behavior, except that the city legislative body may decrease the number of policemen or firemen as it may deem proper.

(4) If the city legislative body of a city of the second class

decreases the number of policemen or firemen, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.

### Calendar

**HB 151, HB 226, HB 197** and **HB 268** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

### Orders of the Day

**HB 257** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bondurant moved the adoption of the following amendment to **HB 257:**

Amend printed copy of House Bill 257 on pages 1 and 2 by:

Section 1, Page 1, Line 13, and Page 2, Lines 1 and 2:

*Delete: ". . . Two of said citizen members shall be selected from groups representative of municipalities and one from groups representative of industrial management."*

*Insert: ". . . One citizen member shall be selected from groups representative of municipalities, one from groups representative of industrial management, and one from either groups representative of municipalities or groups representative of industrial management."*

Agreed.

On the roll call the vote was yeas 89—Allen, Arnett, Ball, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Martin, McBrayer,

McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 1—McCowan.

**HB 257** as amended was passed and the title agreed to.

**HB 259** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bondurant moved the adoption of the following amendment to **HB 259**:

Amend printed copy of House Bill 259 on page 9, line 8, by: delete "rata" and substitute "rate"

And on page 12, line 4, insert after the second "the" the words "Executive Secretary or the"

and on page 13, line 13, delete "direction" and substitute "discretion"

and on page 14, line 19, delete "Section 10" and substitute "Section 11"

Agreed.

On the roll call the vote was yeas 89—Allen, Arnett, Ball, Ballenger, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jordan, Kelly, King, Lassiter, Leeds, Maddox, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 2—Bartley, Peace.

**HB 259** as amended was passed and the title agreed to.

**HB 260** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 1—Hislope.

**HB 260** was passed and the title agreed to.

Representative Bondurant moved that the vote by which **HB 260** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative John Y. Brown moved the adoption of Committee Substitute for **HB 100.** Agreed.

Representative John Y. Brown moved that consideration of **HB 100** be deferred and that it retain its position in Orders of the Day.

**HB 144** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Whitlock moved the adoption of the following amendment to **HB 144**:

Amend printed copy of House Bill 144 on page 5, line 5, by:

deleting "1964" and substituting in lieu thereof "1966" Agreed.

On the roll call the vote was yeas 89—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 2—Eicher, Pettit.

**HB 144** as amended was passed and the title agreed to.

**HB 86** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the Committee Amendment No. 1 to **HB 86**. Agreed.

Representative John Y. Brown moved that consideration of **HB 86** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Hislope announced that he would have voted "aye" on **HB 144.** His desk was locked at the time the vote was taken.

Representative John Y. Brown moved that consideration of **HB 88, HB 91** and **HB 188** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 122** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Denham, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 1—Dempsey.

**HB 122** was passed and the title agreed to.

**HB 170** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Denham, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Johnson, Keene, Kelly, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Sheehan, Short, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 1—Dempsey.

**HB 170** was passed and the title agreed to.

**HB 96** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the rol call the vote was yeas 86—Allen, Arnett, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Denham, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Johnson, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 1—Dempsey.

**HB 96** was passed and the title agreed to.

**HB 238** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83—Arnett, Ball, Ballenger, Barber, Bartley, Bates, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Hinkle, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Johnson, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 238** was passed and the title agreed to.

**HB 132** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Allen, Ball, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Majors, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 2—Arnett, Criscillis.

**HB 132** was passed and the title agreed to.

**HB 32** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 53—Allen, Billings, Blume, Bourne, Brady, Archie Brown, Edward G. Brown, Buky, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Denham, Floyd, Henry, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Keene, Kelly, Kessinger, Leeds, Maddox, Martin, McCowan, McIntyre, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Wells, White, Whitlock, Wright. Nays 29—Arnett, Ball, Ballenger, Bates, Blythe, Bondurant, John Y. Brown, Caldwell, Clark, Dempsey, Hale, Harper, Hinkle, Hoe, Jordan, McNamara, Osborn, Peace, Peniston, Pettit, Pile, Riddle, Smith, Vanover, Wallace, Watkins, Webster, Wheeler, Young.

**HB 32** was passed and the title agreed to.

Representative Irick asked that he be recorded as voting "nay" on **HB 32.**

**Report on Enrolled Bills**

The Committee on Enrollment reported **SB 104** had been examined and found correctly enrolled. **SB 104** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative John Y. Brown moved that the House recess for 30 minutes for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

**Senate Message**

Announcing passage of **SB 61, SB 74, SB 93, SB 96, SB 97, SB 103** and **SB 106.**

Representative John Y. Brown moved that the House adjourn until 10:00 a.m., Thursday, February 17, 1966.

On the roll call the vote was yeas 44—Allen, Billings, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Caldwell, Chaudoin, Clapp, Criscillis, Denham, Floyd, Hale, Harper, Hinkle, Hoe, Hoffman, Hopkins, Irick, Lassiter, Leeds, Maddox, McBrayer, McNamara, John D. Miller, Osborn, Peniston, Pettit, Pile, Russell, Sartin, Sheehan, Short, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Warders, Watkins, Wells, Wheeler, Young. Nays 4—Bicknell, Dempsey, Riddle, Siemens.

The motion to adjourn was adopted.

## THURSDAY, FEBRUARY 17, 1966

## THIRTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend James Rucker, First Presbyterian Church, Maysville, Kentucky.

The roll was called. All present except Representative Jones.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 16, 1966, be dispensed with and the same approved. Agreed.

### Special Order

**HB 166**, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin moved the adoption of Committee Substitute to **HB 166.** Agreed.

On the roll call the vote was yeas 20—Allen, Ball, Blume, Blythe, Bondurant, John Y. Brown, Bruce, Cox, Hardin, Hoffman, Irick, Johnson, McBrayer, McIntyre, John D. Miller, Osborn, Pettit, Smothers, Warders, White. Nays 76—Arnett, Ballenger, Barber, Bartley, Bates, Bicknell, Billings, Bourne, Brady, Archie Brown, E. G. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Isler, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, McCowan, McNamara, Clarence R. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Jr., Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Straney, Stuart, Tucker, Vanover, Wallace, Watkins, Webster, Wells, Wheeler, Whitlock, Wright, Young.

**HB 166** was defeated.

## Recess

Representative John Y. Brown moved that the House recess one hour for lunch. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the House resolve itself into a Committee of the Whole to hear Constitutional Revision Committee discussion. Agreed.

The Speaker resumed the Chair and called the House to order.

## Senate Message

Announcing passage of **SB 83, SB 91** and **SB 30.**

Representative Harris requested a roll call to determine the opinion of members on the choice of gas chamber or electric chair.

Representative Harris withdrew his request.

## Introduction of Bills and Resolutions

**HB 379**, by Representative John D. Miller: AN ACT providing for the exemption of counties, municipalities and school districts from the motor vehicle usage tax.

**HB 380**, by Representatives Hinkle and McNamara: AN ACT relating to adoption by a city of its county assessment valuation.

**HB 381**, by Representative Clapp: AN ACT relating to motor vehicle registration.

**HB 382**, by Representative Osborn: AN ACT relating to thoroughbred racing.

**HB 383**, by Representative McIntyre: AN ACT relating to Public Service Commission.

**HB 384**, by Representatives Hislope, Floyd, White and Dempsey: AN ACT relating to driving a motor vehicle while intoxicated.

**HB 385**, by Representatives Short and Ostertag: AN ACT relating to residential repair contractors.

**HB 386**, by Representative Howard Hunt, Jr.: AN ACT relating to police in cities of the third class.

**HB 387**, by Representatives Howard Hunt, Jr., and Carroll: AN ACT relating to compensation of state officers and employees.

**HB 388**, by Representative Billings: AN ACT relating to cities of the third class.

**HB 389**, by Representative Blume: AN ACT relating to minimum wages.

**HB 390**, by Representatives Roberts, Barber and John D. Miller: AN ACT relating to planning and zoning.

**HB 391**, by Representatives Murphy, Ostertag, Lassiter, Overman, Criscillis, Sheehan, Martin and Blume: AN ACT establishing retirement and benefit funds for members of the police and fire departments in cities of the third class.

**HB 392**, by Representatives Murphy, Jordan and Straney: AN ACT relating to liquefied petroleum gases and the liquefied Petroleum Gas Bureau.

**HB 393**, by Representative Russell: AN ACT relating to arrest of persons for crime.

**HB 394**, by Representative Russell: AN ACT providing a penalty for causing a forfeiture of bail.

**HB 395**, by Representative McBrayer: AN ACT relating to the issuance of regulations by the State Fair Board.

**HB 396**, by Representatives McNamara and Bruce: AN ACT relating to traffic controls on the State Fair Grounds.

**HB 397**, by Representative Hoe: AN ACT relating to crimes and punishments.

**HB 398**, by Representative Hoe: AN ACT relating to purgation of voters.

**HB 399**, by Representative Isler: AN ACT relating to motor vehicle registration.

**HB 400**, by Representative Ballenger: AN ACT to amend KRS 426.525 to permit a mortgagee to preserve abandoned property.

**HB 401**, by Representative W. J. Reynolds, Jr.: AN ACT relating to property.

**HB 402**, by Representative Chapman: AN ACT relating to annexation of territory or reduction of boundaries.

**HB 403**, by Representatives James E. Hunt, Brady, Sartin, DeMarcus, Hislope, Peace and Wallace: AN ACT relating to education.

**HB 404**, by Representative James E. Hunt: AN ACT relating to insurance companies.

**HB 405**, by Representative Roberts: AN ACT relating to insurance premium rates.

**HB 406**, by Representative White: AN ACT relating to operator's license.

**HB 407**, by Representative Leeds: AN ACT relating to Department of Parks.

**HB 408**, by Representative Riddle: AN ACT relating to sales and use taxes.

**HB 409**, by Representative Young: AN ACT relating to revenue and taxation.

**HB 410**, by Representatives Cox, Blume, White, Jordan and Hopkins: AN ACT relating to political advertising.

**HB 411**, AN ACT relating to the appointment of the county board of election commissioners and the county board of registration and purgation.

**HB 412**, by Representatives Jordan, Majors, Bates, Archie Brown and Allen: AN ACT relating to motor vehicle sales; the regulation and licensing of motor vehicle dealers and others; the denial, suspension or revoking of such licenses; creating a Motor Vehicle Dealers Board; imposing powers and duties upon the Department of Motor Transportation; and making an appropriation to the Department of Motor Transportation.

**HB 413**, by Representative McCallum: AN ACT relating to Public Finance.

**HB 414**, by Representative Watkins: AN ACT relating to motor vehicle registration license fees.

**HB 415**, by Representative Watkins: AN ACT relating to motor vehicle registration fees, distribution among cities and counties.

**HB 416**, by Representatives Carroll and John Y. Brown: AN ACT to provide for the registration and protection of trademarks.

**HB 417**, by Representatives Carroll and John Y. Brown: AN ACT relating to revenue and taxation.

**HB 418**, by Representatives McNamara, Bates, Hinkle and Kelly: AN ACT relating to the Agricultural Experiment Station.

**HR 81**, by Representative Leeds: A RESOLUTION expressing the appreciation of the House of Representatives for the honor brought to Kentucky by the "Eastern Little Theatre Group" of Eastern Kentucky State College.

**HR 82**, by Representatives Hoe, Russell, Short, Bicknell, Wallace, Kessinger, Hislope, Peace, Dempsey, Archie Brown, White, Caldwell, James E. Hunt, Brady and Harper: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the industrial tax structure of Kentucky.

**HR 83**, by Representative Russell Reynolds: A CONCURRENT RESOLUTION commending VISTA Volunteers.

### Motions, Petitions, and Communications

Representative Dempsey moved that no Senate Bills be read out of Committee until the Senate acts on certain House Bills now in their possesssion.

The Speaker ruled Representative Dempsey's motion out of order.

Representative Jordan asked that he be recorded as voting "yea" on **HB 238.**

Representative Watkins announced had be been present, he would have voted "yea" on **HB 238.**

Representative Wells announced had be been present, he would have voted "yea" on **HB 238.**

Representative Morgan announced had be been present, he would have voted "yea" on **HB 238.**

Representative Arnett announced had he been present, he would have voted "yea" on **HB 132.**

Representative Allen announced had be been present, he would have voted "yea" on **HB 238.**

Representative Hislope announced had he been present, he would have voted "nay" on **HB 238.**

Representative Dempsey moved that the House recess until 6:30 p.m. Rejected.

## Report of Committees

The Committee on Kentucky Statutes No. 2 reported **HB 6** with the expression that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 6**, AN ACT relating to education benefits for the children of certain decreased or permanently and totally disabled war veterans.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.515 is amended to read:

(1) Any *person* [minor child] whose father is a permanently and totally disabled war veteran shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education.

(2) To be entitled to benefits under this section the father of the child claiming benefits must be rated permanently and totally disabled for pension purposes or one hundred percent disabled for compensation purposes by the United States Veterans' Administration *or* [of] the Department of Defense.

(3) In the absence of certification of permanent and total disability by the United States Veterans' Administration or the

Department of Defense, medical evidence showing permanent and total disability may be accepted, if this evidence is signed by a physician licensed to practice in the Commonwealth of Kentucky or an official of an accredited medical hospital in the Commonwealth of Kentucky.

(4) The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence.

(5) To entitle a *person* [child or children] to benefits under this section the disabled war veteran must have served during time of war or the Korean *or Viet Nam* conflicts [conflict] in the Armed Forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident of the Commonwealth of Kentucky, and his residency must have been for a period of not less than five years immediately preceding June 16, 1960.

Section 2. KRS 164.505 is amended to read:

(1) Any person whose father was a resident of the Commonwealth of Kentucky upon his entrance into military service and who was killed while serving in the armed forces of the United States during wars declared by Congress, [or] actions of the United Nations *or interventions authorized by the President of the United States* or who died as a result of a service connected disability *while serving in the farmed forces* shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education.

(2) In order to obtain the benefits conferred by subsection (1), the applicant therefor must have resided in Kentucky for five years next preceding his application for admission, and the parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. The father's service and the cause of death must be evidenced by certification of the Veteran's Administration, its successor or the Department of Defense of the United States. In event one so admitted to a state supported institution of higher education under the provisions of this section shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant

in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

The Committee on Kentucky Statutes # 2 reported **HB 11, HB 14, HB 16, HB 24, HB 71** and **HB 78** with the expression of opinion that the same should not pass.

The Committee on Kentucky Statutes # 2 reported **HB 134** with the Committee amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 134**, AN ACT relating to jurors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 29.390 of 1964 Supplement to KRS is amended to read:

(1) Grand jurors and petit jurors in circuit court shall each be paid *twelve* [five] dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive *eight* [five] dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together overnight in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid one

dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

Committee amendment to **HB 134** is as follows:

Amend printed copy of House Bill 134 on page 1, line 4, by: deleting the word "*twelve*" and inserting the word "*eight*"

The Committee on Kentucky Statutes # 2 reported **HB 138** with the expression of opinion that the same should not pass.

The Committee on Kentucky Statutes # 2 reported **HB 187** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 187**, AN ACT relating to Real Estate Brokers and Salesmen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 324.040 is amended to read as follows:

(1) Every application for a license, whether as broker or salesman, shall state whether or not the applicant has ever had any broker's or salesman's license revoked or suspended. It shall be accompanied by the license fee prescribed by KRS 324.070, but if the commission does not issue the license, the fee shall be returned to the applicant. Every applicant for a license shall furnish a sworn statement setting forth his business and residence address.

(2) Every applicant for a broker's license shall *have held a salesman's license for a period of twenty four (24) months in this State prior to the date of said application, and must have been actively engaged in the real estate business for such a period of time, and shall* apply in writing upon blanks prepared or furnished by the commission. *Provided, however, that if the applicant can furnish the commission a certificate from a college or university, accredited by recognized educational associations, reflecting satisfactory completion of sixty (60) college hours, including at least ten (10) hours in the real estate field, then the requirements pertaining to holding a salesman's license for two*

*(2) years shall be reduced to one (1) year and the applicant shall otherwise be eligible to apply for a broker's examination. The requirements for a salesman's license shall not apply to any applicant who formerly held a broker's license in this or any other State.*

*(3)* [(2)]. [He shall] *Every applicant* shall state the name of the person or company with which he will be associated in the business of real estate, and the location of the place for which the license is desired, and shall set forth the period of time, if any, during which he has been engaged in the real estate business.

*(4)* [(3)]. Every applicant for a salesman's license shall set forth the name and place of business of the company then employing him or into whose service he is about to enter.

The Committee on Kentucky Statutes # 2 reported **HB 180, HB 191, HR 9, HR 34** and **HR 55** with the expression of opinion that the same should not pass.

The Committee on Courts and Legal Procedures reported **HB 256** and **HB 290** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 256**, AN ACT relating to motor vehicle inspection.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Public Safety;

(2) "Commissioner" means the Commissioner of the Department of Public Safety.

Section 2. No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, unless the equipment upon such vehicle is in good working order and adjustment as required in this Act and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Section 3. (1) Every motor vehicle, trailer, semitrailer and pole trailer registered in the Commonwealth shall be annually inspected for safety and an official certificate of inspection and approval shall be obtained for each such vehicle.

(2) Such inspections shall be made and such certificates obtained with respect to the brakes, lights, turn signals (if any), steering, sound devices, glass, mirror, exhaust system, windshield wipers, and tires.

(3) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, within five days but in every event an official certificate of inspection and approval shall be obtained from an official permit holder within five days before such vehicle shall be operated upon the highways of this Commonwealth. The fee shall be collected at the time of the original inspection. No additional fee shall be charged if vehicle is repaired and returned to same inspection station within five days.

(4) The Department shall suspend the registration of any vehicle which is determined to be in such unsafe condition as to constitute a menace to safety, or which after notice and demand is not equipped as required by this Act, or for which a required certificate has not been obtained.

(5) The Commissioner may, by regulation, authorize the acceptance in the Commonwealth of a certificate of inspection and approval issued in another state having an inspection law similar to this Commonwealth and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this Commonwealth during the time an inspection was required.

Section 4. (1) The Department shall issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection of motor vehicles as herein required. An annual fee, set by regulation of the department, shall not exceed twenty-five dollars and shall accompany the application for a permit. If a permit is not issued, one-half of the fee shall be returned to the applicant. The official certificates of

inspection and approval shall be obtained from the department at a cost not to exceed twenty-five cents per certificate. All fees collected by the department under this Act shall be put into the State Treasury and credited to a revolving fund for use by the department in the enforcement of this Act.

(2) Application for a permit shall be made upon an official form and shall be granted only when the department is satisfied that the garage or service station is properly equipped and has competent personnel to make such safety inspections and that they will be properly conducted.

(3) The commissioner shall supervise and cause inspections to be made of such stations, and shall revoke the permit issued to a station which he finds is not properly conducted. The department shall maintain lists of all stations holding permits and of those whose permits have been revoked. No permit shall be granted or revoked solely or partially because of race, religion or political affiliation.

Section 5. (1) No permit for an official station shall be assigned or transferred or used at any location other than therein designated and permits shall be posted in a conspicuous place at the location designated.

(2) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form furnished by the department to the owner of a vehicle only upon inspecting such vehicle and determining that its equipment required by this Act is in good condition and proper adjustment. A record and report shall be made of every inspection and every certificate issued. These records shall be forwarded to the department at such times as the commissioner, by regulation, shall specify.

(3) The fee for inspection, including the issuance of the certificate of approval, shall not exceed $2.50. No certificate of approval shall be issued until and unless the prescribed inspection is completed and the permit holder has complied with the provisions of this Act.

(4) The appropriate inspection certificate shall be placed

in the lower right-hand portion of the front windshield at the conclusion of each inspection by the person performing the inspection.

Section 6. (1) No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.

(2) All signs or posters pertaining to the safety inspection program to be used by an official station shall be approved by the department before being distributed or posted.

(3) No person other than a duly authorized permit holder, or appointed employee of the permit holder, shall issue a certificate of inspection and approval.

Section 7. (1) No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.

(2) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing it to be fictitious or issued for another vehicle or issued without an inspection having been made.

(3) No unauthorized person shall knowingly possess vehicle inspection stickers.

Section 8. Section 189.730 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner, uniformed officers and troopers of the Department of Public Safety and Department of Motor Transportation and such other officers and employees of the department and *any other peace officer,* as the commissioner may designate, may, at any time, upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such motor vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(2) In the event such vehicle *with a valid inspection sticker*

is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send one copy to the Department of Public Safety. Said notice shall require that such motor vehicle be placed in safe condition and its equipment in proper repair and adjustment within a period of [forty-eight hours] *five days* or else remove said motor vehicle from the public highways and not operate the same on the highways until said motor vehicle is repaired and placed in a safe condition.

*(3) No person driving a motor vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the commissioner, or an authorized employee of the department, or an authorized peace officer.*

*(4) No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection (2) except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Act.*

[(3)] *(5)* In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose.

[(4)] *(6)* In the event the use of such vehicle in its present condition would, in the reasonable judgment of the [arresting] officer, endanger the life of any member of the public, the officer shall require the vehicle to be parked, at the owner's expense, and not operated until it is placed in a safe condition.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

PENALTIES (1) Any person who violates any of the provisions of Section 3 (1) or Section 8 (4) shall be fined not less than one nor more than one hundred dollars.

(2) Any person operating an official inspection station who violates any of the provisions of Section 5 (1) shall have his permit revoked.

(3) Any person who violates any of the provisions of Section 6 (3) or 7 (2) or 8 (3) shall be fined not less than one hundred nor more than five hundred dollars.

(4) Any person who violates any of the provisions of Section 6 (1) or 7 (3) shall be confined in the penitentiary for not less than one nor more than five years.

(5) Any person who violates any of the provisions of Section 7 (1) shall be fined not less than five hundred nor more than five thousand dollars or shall be confined in the penitentiary for not less than one nor more than ten years.

Section 10. The department shall issue a permit under the provisions of this Act to any operator of commercial vehicles who carries out a safety program meeting the approval of the department.

Section 11. All vehicles operated in interstate commerce and subject to the safety regulations adopted by the Interstate Commerce Commission or other vehicles which are required by regulation to submit to stricter and more frequent safety inspections shall be exempt from the effects of this Act.

Section 12. KRS 189.740 and subsection (19) and (20) of KRS 189.990 are repealed.

Section 13. The Commissioner may, with the approval of the Governor, extend the time for not more than sixty (60) days for any of the inspections required by this Act, in any case, where weather conditions of the highways or any other cause whatsoever renders compliance with the provisions of this Act within the prescribed time difficult or impossible for a large number of persons.

Section 14. The Commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of this Act.

Section 15. This Act shall become effective January 1, 1968.

**HB 290**, AN ACT relating to venue and change of venue in civil actions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 452.010 is amended to read:

(1) The parties to any civil action in a circuit court may, by consent, have an order in or out of court for its removal to any other circuit court.

(2) A party to any civil action triable by a jury in a circuit court may have a change of venue when it appears that, because of the undue influence of his adversary or the odium that attends the party applying or his cause of action or defense, *or because of the circumstances or nature of the case* he cannot have a fair *and impartial* trial in the county.

Section 2. KRS 452.030 is amended to read:

Application for a change of venue shall be made by *verified motion of the party seeking a change to the court, in which the reasons and grounds for the change shall be stated. On any motion for change of venue the court shall have a hearing for the presentation of evidence and arguments for and against the motion. Either party may subpoena witnesses for the hearing on the motion. The granting of a change of venue shall be within the sound discretion of the court, and shall be granted by the court when justice so requires.* [petition, verified by the affidavit of the party and supported by the affidavits of at least two creditable housekeepers of the county in which the action is pending. The adverse party may file affidavits controverting the grounds relied upon for the change of venue. The court may also hear other evidence for or against the application and shall exercise a sound discretion in deciding the question.]

The Committee on Education reported **HB 269** and **HB 278** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 269**, AN ACT relating to the merger of school districts in counties containing a city of the first class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. In any county of the Commonwealth which contains a city of the first class any independent school district within the city of the first class shall be merged with the county school district into a single district on January 1, 1967.

Section 2. (1) Upon a merger under this act of an independent school district with a county school district, the boundaries of the merged district shall be co-terminous with the boundaries of the county but shall exclude the area of any other independent school district. The name of the merged school district shall be the_____County_____ School District, and the board of education of such district shall be known as the "Board of Education of_____ County and _____Kentucky."
(name of city)

(2) Except as otherwise provided herein, the merged district and its board of education shall have in all respects the same powers, rights, privileges, immunities, responsibilities and duties of a county school district and a county board of education and shall be treated as such. All laws applicable to a county school district and county board of education shall apply to the merged district and its board, except as otherwise provided herein.

(3) All taxes due and to become due, contract rights, land, buildings, personalty and all other assets of the merging districts and their boards of education shall pass to and belong to the merged district and its board of education. All legal liabilities, except bonded indebtedness, of the merging districts and their boards of education shall be assumed by the merged district and its board of education. Tax levies authorized for the payment of interest and the retirement of bonds or to create sinking funds for such purposes shall continue to be levied and collected in the area of each of the merged districts for which the levies were originally made until all bonded obligations of the old district have been retired.

(4) The merged district shall be under the management and control of a board of education consisting of seven members, five to be elected from divisions and two to be elected from the district at large. In those matters on which the law required action by three members of other boards of education consisting of five members, the action of a majority of the members of the board of education of the merged district is required. In those matters on which the law requires action by more than three members of other boards of education consisting of five members, the action of a majority plus one of the members of the board of education of the merged district is required. During the beginning period following the merger the board members of the merging county school district shall be members of the board of education of the merged district representing divisions until their terms of office expire. The board members of the merging independent school district shall also be members of the board of education of the merged district until their terms of office expire.

(5) Any vacancy occurring in the term of office of a member of the former county board of education, who became a member of the board of education of the merged district upon merging during this term, shall be filled for the unexpired term by vote of the other members of the board of the merged district who were former county board members whose terms began prior to merger. Any vacancy occurring in the term of office of a member of the former independent district board of education, who became a member of the board of education of the merged district upon merger during his term, shall be filled for the unexpired term by vote of the other members of the board of the merged district who were former independent district board members whose terms began prior to merger. Any other vacancy occurring on the board of education of the merged district shall be filled in accordance with the provisions of Section 160.190 of the Kentucky Revised Statutes.

(6) The merged boards of education shall determine who shall serve as superintendent of the merged district, and shall assign such duties and titles of office as they deem appropriate to any superintendent of the merging school districts who has been previously appointed for a term which has not expired, and shall

prescribe the duties and functions of all business directors and secretaries of the various merging districts. In any event the compensation of any such superintendent of the merging districts whose term has not expired shall not be diminished during the term for which he has been appointed.

Section 2. (1) Upon merger, the board of education of the merged district shall promptly divide its district into five divisions as nearly equal in population and containing integral voting precincts in so far as is practicable. If only one former county board of education member resides in any division, then that member shall be considered as representing that division until his term expires. If more than one of the former county board of education members reside in any one division of the merged district, such members residing therein shall determine by lot which of them shall represent that division, and which of them shall represent any division in which no member resides. The members so determined to represent divisions shall be considered as the members from those divisions until their terms expire.

(2) At the first regular November election following the time of merger, held in an even numbered year, one member of the board of education of the merged district shall be elected from the entire district at large for a term of two years and one member of the board of education shall be elected from the entire district at large for a term of four years. If the even numbered year is evenly divisible by four, then at the election three members of the board of education shall also be elected from divisions for terms of four years each to succeed those board members from divisions whose term will expire in the following January. If the even numbered year is not evenly divisible by four, then at the election only two members of the board of education shall also be elected from divisions for terms of four years each to succeed those board members from divisions whose terms will expire in the following January. At the regular November election in each succeeding even numbered year, one board of education member shall be elected at large for a term of four years and board of education members shall be elected from divisions for terms of four years each to succeed those board mem-

bers from divisions whose terms will expire in the following January.

(3) To obtain a place on the ballot or voting machine, candidates for board members from divisions and candidates for board members at large shall file nominating petition in accordance with KRS 118.080. No person may be a candidate for board member from a division and a candidate for board member at large at the same election. No voter shall sign more than one petition for any candidate for board member from a division, nor may a voter sign more petitions for candidates for board members at large than there are such members at large to be elected.

(4) Each voter of the merged district may vote for as many candidates for board members at large as there are such members to be elected. Each voter of a division of the merged school district may also vote for one candidate for board member from that division whenever such member is to be elected.

Section 3. If, at the time of merger, special school building taxes have been voted in both districts under KRS 160.477, such special school building taxes shall be segregated into two separate funds according to whether they are from property subject to local taxation in the former county district area or in the former independent district area. In authorizing expenditures for sites, buildings, facilities and other purposes enumerated in KRS 160.477 from such separate funds, the board of education of the merged district shall in the exercise of its discretion determine as a matter of record in its minutes whether the expenditure is exclusively for the benefit of the pupils residing in one of the separate areas, in which event the entire cost shall be defrayed from such separate fund from that area; or is for the benefit of pupils residing in both areas, in which latter event the said board shall in the exercise of its discretion allocate as a matter of record in its minutes the proportion or percentage of benefit to pupils of each of the former separate areas, and such allocation shall be of binding force and shall control the current and future expenditure from the respective separate funds for that particular site, building, facility or other authorized purpose. The proceeds of any other special school building tax which might be submitted to and approved by the voters of the merged district as a whole

pursuant to KRS 160.477 of the Kentucky Revised Statutes shall constitute a single fund and may be expended in the discretion of the board of the merged district without regard to previously existing boundary lines of the former separate districts, and the requirements of this section as to determination and allocations of benefits shall not apply.

Section 4. With respect to all assessments of property prior to merger, the tax levying authority of the merging districts shall proceed to make the regular levies of ad valorem taxes for general school purposes, the special school building tax and any other authorized school tax as specified and requested by the boards of education of the merging districts of the board of the merged district. The regular school tax collectors which had previously collected the school taxes for the former districts shall collect all school taxes on assessments prior to the merger and pay same to the board of the merged district. On all assessments after the merger, the ad valorem levying authority of the merged district shall be the fiscal court of the county, the regular ad valorem tax collector shall be the county sheriff, and the regular tax levying and collecting procedure for a county school district shall apply to all ad valorem taxes due the merged district, except that the board of the merged district may select a special tax collector for school taxes whose compensation may be set by the said board at a rate not to exceed one percent of the school taxes collected by such collector. The special tax collector shall be required to execute bond in the same manner as provided in Section 160.560 of the Kentucky Revised Statutes for the execution of a treasurer's bond. The penal sum of the special tax collector's bond shall not be less than the aggregate of the tax bills which come into the hands of said collector. In the event such board has selected a special tax collector, the school taxes shall be listed by the county clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the board of the merged district.

Section 5. (1) Upon merger under this law all teachers, principals and other employes of each district affected by the merger shall become employed by the merged district and their rights as to tenure, compensation and other rights as employer

fixed at the time of merger shall continue in effect and shall be obligations of the merged district to the same extent that such rights were obligations of the district by which they were employed immediately prior to the merger.

(2) During the 1966-67 and 1967-68 school years the grants by the state under the foundation program to the merged district shall be based on the requirements of each of the two merging districts and shall be equivalent to a combination of the grants for both districts without regard to the change in organizational structure.

Section 6. (1) During the year 1967 the board of education shall cause a comprehensive survey of the merged school system to be made to the end that not later than July 1, 1968, a complete consolidation of physical properties, personnel and employes may be effected.

(2) In any county affected by this act there is created an advisory committee on schools to be known as the "_____ County Education Advisory Committee." The committee shall consist of one member appointed by the board of education of the merging independent district, one member appointed by the county board of education and three members appointed by the joint action of the judge of the county court of the county and the mayor of the city of the first class. The committee shall continue in existence from January 1, 1967 to July 1, 1968. It shall meet with the board of education of the merged district and assist such board in effectuating the consolidation required by this section by advice and in any other way possible as requested by the board. The members shall serve without compensation but the board of education shall provide any clerical or other assistance necessary to enable the committee to carry out its duties.

Section 7. (1) This act shall be effective in all counties containing a city of the first class on the first day of July 1966.

(2) If during the thirty days next following the effective date of this act a petition signed by a number of registered and qualified voters equal to fifteen percent of the votes cost in the county for the office receiving the greatest total vote at the last preceding presidential election is presented to the fiscal court

protesting against the making of this act effective in the county, this act shall be suspended from going into effect in the county until after the election referred to in subsection (3) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one voting precinct, and each sheet shall state the name, date, number, or designation of the precinct and, where applicable, the name, date, designation, or number of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 117.630 or subsection (2) of KRS 117.720, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and address of the signers of the petition. The board or boards of registration in the county shall give necessary and appropriate aid to the fiscal court so that the latter body may make the initial, but not conclusive, determination of whether the petition contains enough signatures of qualified voters to suspend the effect of this act or resolution.

(3) Thereupon the fiscal court shall submit to the voters of the county at the next regular election or called common school district election, either of which to be held not less than sixty days from the date of passage of said order or resolution, the question as to whether the city independent school district and the county school district shall be merged into a single district. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast upon the question oppose its passage, this act shall not go into effect in the county. If a majority of the votes cast upon the question favor its passage, this act shall be in full force and effect in the county.

Section 8. KRS 160.042 and 160.044 are repealed.

**HB 278**, AN ACT relating to teachers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any teacher employed under KRS 161.730 to KRS 161.750 is eligible to apply for the position of school bus

driver in any county, city or independent school system where the school system owns and operates school busses. The application of a teacher shall be treated in the same manner as the application of any other person and the qualifications for a teacher driving a school bus shall be the same as for any other person. If a teacher is employed as a school bus driver, the teacher shall hold this position in addition to the position of a teacher and shall be compensated for each position without regard to the other position.

Section 2. The compensation a teacher receives for driving a school bus shall not be considered as compensation for teacher's retirement purposes. If the compensation a teacher receives for driving a school bus is subject to a school employe's retirement program under KRS 161.841, the teacher may elect to have this compensation treated as compensation for teachers' retirement purposes.

The Committee on Motor Transportation reported **HB 137, HB 185, HB 189** and **HB 198** with the expression of opinion that the same should not pass.

The Committee on Oil and Petroleum reported **HB 52** and **HB 152** with the expression of opinion that the same should not pass.

The Committee on Oil and Petroleum reported **HB 236** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 236,** AN ACT relating to oil and gas conservation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 353.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall drill or deepen a well, or reopen a plugged well for the production of oil or gas or for the injection of water, gas or other fluid into any oil or gas producing formation (except seismograph test holes [water supply wells, and geological or structure test holes]) after June 16, 1960, *or drill*

*or deepen a water supply well and geological or structure test holes after (effective date),* until such person shall obtain a permit from the department.

(2) When any applicant for a permit as required by this section has complied with the provisions of this chapter and all rules and regulations promulgated hereunder, the department shall issue the permit.

(3) The department may authorize the commencement of the drilling, deepening or reopening of any well prior to the issuance of a permit therefore; except if the location of the well is known to be under laid by a coal-bearing stratum and consent of the owner, operator, and lessee of the coal-bearing stratum has not been granted. Consent shall be implied, when the coal-bearing stratum is owned by the oil and gas lessor or lessee, and the coal is not under lease to any third party.

Section 2. Section 353.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, seeking a permit required by KRS 353.570, shall submit to the department a written application in such form as may be prescribed by the department.

(2) Each application shall be accompanied by a specified fee. The fee shall be twenty-five dollars for each well to be drilled, deepened or reopened for the production of oil or gas; ten dollars for each well drilled, deepened or reopened for the injection of water, gas or other fluid therein; [and] ten dollars for each well to be drilled, depened or reopened as a part of a program for the recovery of oil and gas by secondary recovery methods, except that the fee in no event shall exceed one hundred dollars for the permits issued in this last case for all wells on each separately leased tract; *and ten dollars for each water supply well, and geological or structure test hole to be drilled or deepened.*

(3) All money paid to the State Treasurer for licenses and fees required by KRS 353.500 to 353.720 shall be for the sole use of the department and shall be in addition to any monies appropriated by the General Assembly for the use of the department.

(4) Each application shall be accompanied by a plat, which shows the location and elevation of each well, prepared according to the rules and regulations promulgated under KRS 353.500 to 353.720. The plat shall be certified as accurate and correct by the applicant, a qualified employee of the applicant, a person approved by the department, or an engineer registered in Kentucky, provided that when the location of the well is known to be underlaid by coal-bearing stratum, such plat shall be certified accurate and correct only by an engineer registered in Kentucky. If any plat submitted by an applicant is determined by the department to be materially inaccurate or incomplete, the department may require that a new plat be prepared and submitted either by a person approved by the director or an engineer registered in Kentucky. The department may further require that all future plats submitted by such an applicant be prepared either by a person approved by the director or an engineer registered in Kentucky.

*(5) When any person submits to the Department of Mines and Minerals an application for a permit to drill a well, or to reopen, deepen or temporarily abandon any well which is not covered by surety bond, the department shall except as provided in this section, require from the well operator a bond in the sum of one thousand dollars in favor of the Department of Mines and Minerals, conditioned that the well upon abandonment shall be plugged in accordance with the rules and regulations of the department and that all records required by the department be filed as specified. The bond shall remain in effect until the plugging of the well is approved by the department, or the bond is released by the department. Any well operator in lieu of such bond may file with the department a blanket bond in a sum of five thousand dollars, covering all wells drilled or to be drilled in the Commonwealth by the principal in the bond, and the acceptance and approval by the department of such blanket bond shall be in full compliance with the above provision requiring an individual well bond. The bond or bonds referred to in this section shall be executed by the well operator as principal and by a corporate surety authorized to do business in the Commonwealth. A deposit in cash shall serve in lieu of either of the above bonds.*

*(6) Notification in writing to the department by a successor to the well operator with bond as provided in sub-section (5) that said successor is assuming the obligations of this statute as to a particular well or wells, will relieve the original permitee of responsibility under KRS 353 with respect to such well or wells.*

*(7) If the requirements of sub-section (5) with respect to proper plugging upon abandonment and submission of all required records on all well or wells have not been complied with within the time limits set by the department or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator by certified mail, addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the department. If the operator has not reached an agreement with the department or has not complied with the requirements set forth by it within forty-five days after mailing of the notice, the bond shall then be forfeited to the department.*

*(8) When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the Attorney General, who shall collect the forfeiture.*

*(9) Upon request by any person applying for a permit for a geological or structure test hole, the department shall keep the location and elevation of said hole confidential until such information is allowed to be released by the person obtaining such permit.*

*(10) For the purpose of this chapter, "water supply well" shall not include:*

*(a) any well for a potable water supply for domestic use or for livestock.*

*(b) any water well used primarily for cooling purposes in an industrial process.*

Section 3. Section 353.610 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 353.500 to 353.720, no permit shall be issued for the drilling, deeping, or reopening of any

well for the production of oil, unless the proposed location of the well shall be at least two hundred feet from the nearest boundary of the premises upon which the well is to be drilled, deepened or reopened; and, if the proposed location is less than four hundred feet from any boundary line of the premises, the proposed location must be at least four hundred feet from the nearest oil producing well. This subsection shall not be construed to regulate the distance between wells which do not produce oil from the same pool.

(2) Except as provided in KRS 353.500 to 353.720, no permit shall be issued for the drilling, deepening or reopening of any well for the production of gas unless the proposed location of the well shall be at least five hundred feet from the nearest boundary of the premises upon which such well is to be drilled, deepened or reopened; and, if the proposed location is less than one thousand feet from any boundary line of the premises, the proposed location must be at least one thousand feet from the nearest gas producing well. This subsection shall not be construed to regulate the distance between wells which do not produce gas from the same pool.

(3) This section shall not apply:

(a) To wells drilled, deepened, or reopened for the injection of water, gas or other fluids into an oil or gas producing formation.

(b) To any well drilled, deepened or reopened in a pool or portion thereof, which is included in a secondary recovery program commenced or proposed, if the location or proposed location of the well conforms to a geometric pattern already established on all premises which will be offset and affected by the well.

*(c) To wells drilled or deepened as water supply wells and geological or structure test holes;* or

*(d)* To premises within the limits of any incorporated city, town or village which has enacted or enacts hereafter an ordinance regulating the location or spacing of wells for the production of oil and gas at distances of not less than the distances prescribed in this section.

Section 4. Section 353.660 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person to whom a permit is issued pursuant to KRS 353.500 to 353.720 shall file, within ninety days after termination of operations conducted under the permit, with the department for transmittal to the Kentucky Geological Survey on forms to be furnished by the department the following information relating to the well:

(a) A copy of the driller's log certified to be true and accurate.

(b) The depth and thickness of all water zones encountered and logged;

(c) The depth of all showings of oil or gas;

(d) The depth and thickness of all coal seams encountered; and

(e) A true copy of all electrical surveys and similar logs and surveys taken.

(2) Upon request by the department any person to whom a permit is issued shall save for the Kentucky Geological Survey samples of all cuttings from the well drilled or deepened pursuant to the permit for a period of ninety days after completion thereof.

(3) Upon request by any person furnishing information under this section, the information shall be kept confidential, for a period of one year after the information is furnished by such person.

*(4) This section shall not apply to wells drilled or deepened as geological or structure test holes.*

The Committee on Fish and Game reported **HB 40, HB 243,** and **HB 324** with Committee amendments attached with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 40,** AN ACT relating to fish and wildlife resources.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 150.170 is amended to read:

(1) Except as provided in subsections (2), (3), (4), (5) and (6) of this section, and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) The resident owner of farmlands, his wife, or children, or tenants and their children, residing upon said farmland shall, without procuring license, have the right to take fish or hunt during the open season, [(] except trapping, [)] on said farmlands of which they are bona fide owners, or wife or children of such owners, or tenants or children of such tenants. *The persons mentioned in this subsection may trap muskrat on the property mentioned in this subsection, the prohibition against trapping notwithstanding, only during the hunting season defined by law.*

(4) Residents or nonresidents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to resident landowners of this state who kill on their land any wild animal causing damage to such land or any personal property situated thereon. Upon destruc-

tion of any animal or bird by a landowner such act must be reported to the Department of Fish and Wildlife Resources or the resident conservation officer for the proper disposition of the carcass.

(7) In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wildlife Resources of this state, with the approval of the commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (resident or nonresident) or a state-wide hunting license (resident or nonresident) issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

**HB 243,** AN ACT relating to hunting and fishing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 150.170 is amended to read:

(1) Except as provided in subsections (2), (3), (4), (5) and (6) of this section, and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) The resident owner of farmlands, his wife, or children, or tenants and their children, residing upon said farmland shall, without procuring license, have the right to take fish or hunt during the open season (except trapping) on said farmlands of which they are bona fide owners, or wife or children of such owners, or tenants or children of such tenants.

(4) Residents or nonresidents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, *and may take or pursue deer without a big game permit or other permit required by law or regulation,* but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to resident landowners of this state who kill on their land any wild animal causing damage to such land or any personal property situated thereon. Upon destruction of any animal or bird by a landowner such act must be reported to the Department of Fish and Wildlife Resources or the resident conservation officer for the proper disposition of the carcass.

(7) In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wildlife Resources of this state, with the approval of the commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (resident or nonresident) or a state-wide hunting license (resident or nonresident) issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

**HB 324,** AN ACT relating to fish and wildlife.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 150.010 is amended to read:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, *jugging,* setline or *sport fishing* trotline, but does not include the use of grabbling hooks, *and line,* gang hooks, snag lines, *commercial trotline,* gigs, or nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) *"Commercial trotline" is a trotline to which is attached more than 100 hooks, either single or multibarbed.*

*(4)* [(3)] "Commission" means the Department of Fish and Wildlife Resources Commission.

*(5)* [(4)] "Commissioner" means the Commissioner of the Department of Fish and Wildlife Resources.

*(6)* [(5)] "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

*(7)* [(6)] "Department" means the Department of Fish and Wildlife Resources.

*(8)* [(18)] "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not.

*(9)* [(7)] "Grabbling" means the taking of fish by [hooking] snatching or snagging *on* [by the use of] one or more single or multibarbed hooks *by use of* [on] either a hand *line* or pole *and* line.

*(10)* [(8)] "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of a rigid pole.

*(11)* [(27)] "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not.

*(12)* [(9)] "Impounded waters" means any public waters backed up by a dam constructed and used for hydroelectric purposes or for the purpose of flood control.

*(13) "Jugging" is a means of fishing by which a single baited line is attached to any floating object.*

*(14)* [(10)] "Navigable waters" means any water within this state under lock and dam, *or waters not above the last operable lock and dam.*

*(15)* [(11)]"Nonresident" means a person who has not resided in this state for *the* [one] year prior to his application for a license.

*(16)* [(12)] "Noodling" or "tickling" means the taking of fish from any stream or body of water by hand and without the use of any artificial device.

*(17)* [(13)] "Minnows" means all fish under six inches in length, except bass (large and small mouth and Kentucky), rock bass or goggle-eye, trout, crappie, jack salmon, walleyed pike, striped bass, sand pike or sauger or muskellunge.

*(18)* [(26)] "Prescribed by the department" means established by a regulation or regulations.

*(19)* [(14)] "Public waters" means all waters within the state flowing in a natural channel stream.

*(20)* [(15)] "Raw fur" means a hide, fur or pelt of a fur bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

*(21)* [(25)] "Regulation" means a written regulation adopted by the commissioner with the approval of the commission.

*(22)* [(16)] "Resident" means any person who has resided in this state for *the* [one] year prior to his application for a license.

*(23) "Resist" means to walk off, pointing gun at, leave the scene, intimidate or attempt to intimidate in any manner or*

*further interfere in any manner with any officer in the discharge of his duties.*

*(24)* [(17)] "Rough fish" means *all species of* [any] fish other than *those species designated by regulation as "sport fishes"* [black bass (large mouth, small mouth or Kentucky) and crappie, jack salmon or walleyed pike, striped bass, sand pike or sauger and muskellunge, rock bass or goggle-eye and trout].

*(25)* [(18)] "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

*(26) "Setline" means a stationary line attached to one terminal end to an anchor point on the bank of a lake or stream and to which is attached at its distal end and containing not more than 100 baited hooks, either single or multibarbed.*

*(27)* [(19)] "Snag line" *is* [means] any *stationary line* [setline anchored at one or more terminal points in any stream or body of water] which contains *more than 100 hooks* [one or more hooks] either single or multibarbed [, and] which is *baited or unbaited* [used without bait].

*(28) "Sport fishing trotline" is a trotline to which is attached no more than 100 hooks, either single or multibarbed.*

*(29)* [(20)] "Take" includes pursue, shoot, hunt, wound, kill, trap or capture in any way; and any lesser act designed to lure, attract or entice for such purposes, to place, set, aim or use any device, animal, substance or agency which may be reasonably expected to accomplish such acts; every attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts.

*(30)* [(21] "Tenant" means any resident share cropper, lessee, or any other person actually engaged in work upon a farm or lands and resides in a dwelling on the farms or lands, but shall not include any other employe or tenant unless actually residing on the property and engaged or employed as above mentioned.

*(31)* [(22)] "Transport" shall include the offering or receiving for transportation.

*(32)* [(23)] "Wild bird" and "wild animal" includes such wild bird or wild animal or any part thereof.

*(33)* [(24)] "Wildlife" means any wild bird, wild animals, fish, amphibian or other form of aquatic life protected or unprotected by this chapter.

Section 2. KRS 150.090 is amended to read:

(1) Conservation officers or any other persons appointed by the commissioner and all peace officers and their deputies shall enforce the provisions of this chapter and shall have the right to go upon the land of any person or persons whether private or public for the purpose of conducting research or investigation of game or fish or their habitat conditions or engage in restocking game or fish or in any type of work involved in or incident to game and fish restoration projects or their enforcement or in the enforcement of laws or orders of the Department of Fish and Wildlife Resources relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest or trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

(2) Conservation officers and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or *tag* [badge] of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms being carried upon the person of any person so engaged. *Conservation officers and other officers charged with the enforcement of this chapter shall have the authority to stop and inspect all motor vehicles, provided there are reasonable grounds for doing so, to determine if provisions of KRS 150.390 subsection (5) are being complied with.*

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

Section 3. KRS 150.095 is amended to read:

*(1)* Conservation officers are authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

*(2) The Commissioner may authorize conservation officers and other departmental personnel to use sirens and suitable visible flashing lights on their vehicles in the performance of their duties.*

Section 4. KRS 157.170 is amended to read:

(1) Except as provided in subsections (2), (3), (4), (5), and (6) of this section, and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or *fishes* [wild animals], protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a *sport* fishing license, take fish by angling, or take minnows by the use of a minnow seine *or minnow trap.*

(3) The resident owner of farmlands, his wife, or *dependent* children, or tenants and their dependent children, residing upon said farmland shall, without procuring license, have the right to take fish or hunt during the open season (except trapping) on said farmlands of which they are bona fide owners, or wife or *dependent* children of such owners, or tenants or *dependent* children of such tenants.

(4) Residents or nonresidents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident [of this state] who is sixty-five years of age or older may, without a hunting or *a sport* fishing license, do any act authorized by such a license, but while so doing he must carry upon his person an affidavit stating the year *of his birth* and *his* place of *residence* [his birth].

(6) The provisions of this chapter for the protection of wild animals shall not apply to resident landowners of this state who kill on their land any wild animal causing damage to such land or any personal property situated thereon. Upon destruction of any animal or bird by a landowner such act must be reported to the Department [of Fish and Wildlife Resources] or the resident conservation officer for the proper disposition of the carcass.

(7) In the event a reciprocal agreement is entered into between the Commissioner, [of the Department of Fish and Wildlife Resources of this state] with the approval of the commission, and the similar authority [,] of [the state of] *Missouri,* Tennessee, *Virginia and West Virginia,* pursuant to which persons holding a [fishing license] [(] resident or nonresident [)] *fishing* or a [state wide hunting license [(] resident or nonresident [)] *statewide hunting license* issued in this state are permitted to perform the acts authorized by such license upon *certain contiguous waters and land areas adjacent to the common boundaries of the above mentioned states and the state of Kentucky. A resident of the State of Kentucky must purchase a proper Kentucky license to conform with the reciprocal agreement.* [so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.]

Section 5. KRS 150.175 is amended to read:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) [A] State-wide *sport* fishing licenses, *resident and nonresident,* which authorizes the holder thereof to take fish*es* by angling, or take crawfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine or *minnow trap,* or to take fish*es* by grabbling, gigging, *jugging* and by noodling or tickling, and to take frogs *and turtles* from any waters in any county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the department may from time to time prescribe;

(2) A ten-day *sport* fishing license which may be issued only to a nonresident and which authorizes the holder thereof to *perform all acts authorized by a state-wide sport fishing license and subject to same limitations or prescribed regulations;* [take fish by angling, grabbling, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulations of the department from time to time;]

(3) [A] Commercial fishing license, *resident and nonresident,* which authorizes the holder thereof to perform any act authorized by a *sport* fishing license and to take fish from the *waters* [streams] of the state by the use of twine seines, twine [hoop] nets, *trotlines,* or snag lines, provided that the holder of such license has first obtained a tag *or tags* for each seine, [hoop] net and [snag] line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail;

(4) An Ohio River *sport* fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a statewide *sport* fishing license;

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3), provided that the holder of such license has first obtained a tag *or tags* for each seine, [hoop] net and [snag] line;

(6) A [seine] tag *for use on a gill net, trammel net or seine* which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be. [, one hundred feet of seine or part thereof.] A separate tag shall be required for each 100 feet of seine, *gill net, trammel net* or netting, or part thereof;

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net.

(8) A snag line tag *and a commercial trotline tag,* which may be issued only to holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be, one snag line *or one trotline.* A separate tag shall be required for each snag line *and each commercial trotline;*

(9) [A] Live *fish and* bait dealer's licenses, *resident and nonresident,* which [may be issued only to a resident of this state and which] authorizes the holder thereof to sell live bait *and live fish as may be prescribed by regulation;* [to be used in angling;]

(10) [A] Musselling licenses, *resident and nonresident,* which authorizes the holder thereof to take mussels for commercial purposes *as may be prescribed by regulation;* [from any shell bed;]

(11) [A] State-wide hunting licenses, *resident and nonresident,* which authorizes the holder thereof to take or pursue wild animals, *wild birds, frogs and turtles with gun, bow and arrow, dog or falcon,* or [except deer, bear or wild turkey in any open area of this state, with bow and arrow, gun, gun and dog or dog; and to take wild birds with bow and arrow or with gun; and] to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport, [; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter;] *according to the provisions of the laws and regulations of the department;*

(12) A junior state-wide hunting license, which may be issued only to a resident of this state, before he has reached his or her sixteenth birthday, *but which becomes void on his or her sixteenth birthday,* and which authorizes the holder thereof to exercise all the privileges authorized by a state-wide hunting license;

(13) [A] Trapping licenses, *resident and nonresident,* which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person. (Provided that the holder of such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410);

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in lifelike form, the skins of *wildlife and fishes;* [wild animals;]

(15) A commercial guide's license, which authorizes the holder thereof to *guide hunting and fishing parties according to the provisions of the laws and regulations of the department;* [receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties;]

(16) [A] Fur buyer's licenses, *resident and nonresident,* [which may be issued only to a resident of this state and] which authorizes the holder thereof to buy raw furs from *licensed* trappers and hunters and to sell raw furs so purchased to a licensed fur processor;

(17) A fur processor's license, which may be issued only to a resident of this state and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or retention in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.

[(18) A nonresident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state;

(19) Nonresident fishing license which authorizes the holder thereof to perform any act authorized by a resident state-wide fishing license;

(20) Nonresident hunting license which authorizes the holder thereof to perform any act authorized by a resident state-wide hunting license;]

*(18)* [(21)] A special license to non-residents for the purpose of hunting on licensed [private] hunting preserves. This license is good only for the preserve for which is was issued and shall continue legal only for one year. These licenses shall be issued in ink by the preserve manager, and it becomes his responsibility to see that each hunter is properly licensed before going into the field. When the hunter owns either a non-resident or resident state-wide hunting license for the current year, the special license shall not be required. The commissioner, with the approval of the commission, shall have the authority to establish and regulate [private shooting] *hunting* preserves, *either private or commercial;*

*(19)* [(22)] A big game permit, which, in combination with a valid state-wide hunting license or a valid junior state-wide hunting license, authorizes the holder thereof to take or pursue deer, bear or wild turkey, in any designated open area of this state, with long bow and arrow or gun, during the open

season and according to the provisions of the laws and regulations governing such hunting.

*(20) A trout stamp, which, in combination with a valid statewide fishing license, authorizes the holder thereof to take and have in possession all species of cold-water fishes according to the provisions of the laws and regulations of the department. All persons fishing for cold-water fishes must have a trout stamp regardless of age or residence.*

Section 6. KRS 150.180 is amended to read:

(1) Except as otherwise provided in this section or elsewhere in this chapter, and subject to regulations adopted under this chapter, no person, for himself or as the agent or employe of another shall buy, or sell, or attempt to buy, or sell, barter, exchange, or trade, or have in possession for the purpose of selling, bartering, or trading any wild turkey, native pheasant, quail, bob-white, deer, or raw fur, or any other wild animals no matter where or when caught or killed, whether caught or killed in this state or in any other state or other country.

(2) Mussels and fishes, other than *sport fishes as designated by departmental regulations; and all fishes, regardless of species, raised by licensed propagation permittees* [black bass (large mouth or small mouth and Kentucky) rock bass or goggle-eye, crappie, jack salmon or walleyed pike, striped bass, sand pike or sauger, trout and muskellunge] may be bought, sold and transported, if in legal possession.

(3) Raw furs, if in legal possession, may be sold by a licensed trapper or licensed hunter to a licensed fur buyer (resident or nonresident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer. A licensed fur buyer may buy raw furs from a licensed trapper or licensed hunter, if in legal posssession of the trapper or hunter, and licensed fur processors may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a nonresident fur processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed nonresident fur buyer. A licensed non-

resident fur buyer may buy raw furs from any person having the same legally in possession.

(4) Subject to regulations adopted under this chapter, any person authorized by subsection (3) of this section to sell or buy raw furs may transport, between any points within this state, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he hold a nonresident buy buyer's license, except that an individual who has lawfully taken a fur bearing animal in this state or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof at any time during the period such pelts may be in his legal possession in this state, to a nonresident fur processor who is licensed in the state of his residence to deal in raw furs, or to a nonresident taxidermist for the purpose of mounting.

(5) Subject to regulations adopted under this chapter, a person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any wild animals, wild birds or fish legally taken by him under such license, not in excess of the number that the law or regulation permit him to have in possession at any one time.

(6) A person who has legally taken any wild animal, wild bird or fish in another state and who has in his possession the license which authorizes such taking may, if the same be dead, transport the same to this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.

(7) No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any *"wildlife" as described in KRS 150.010, subsection (33)* [type or species of live game, live wild animal, live wild bird or fish, live amphibian, protected or unprotected under this chapter, excepting minnows to be used for bait,] without first pro-

curing from the department a written permit to do so. If it is determined upon inspection that such *"wildlife"* [game, wild animals, wild birds, fish or amphibians] would not constitute a menace to the state and are free from disease [that might spread throughout the state] *and other undesirable physical characteristics,* [to the detriment of wildlife resources,] the commissioner shall issue such a permit free of charge.

[(8) Any carcass of a coon or muskrat from which the fur has been removed and taken in open season may be legally sold by the taker only within ninety days after the season closes.]

*(8)* [(9)] This section shall not in any way interfere with the transportation of any wild animals, wild birds or fish by the authorized *personnel* [officers] of the department.

*(9)* [(10)] Federal regulations shall govern the transportation of all migratory wild birds.

Section 7. KRS 150.190 is amended to read:

(1) The commissioner may, with the approval of the commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed by the commissioner, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or any false information in the application.

(2) Except as provided in subsection *(3), (4), (5), (6) and (7),* [and (4)] all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the department, which records shall remain in his office and be open to inspection by the public during regular office hours. No county clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River *sport* fishing licenses and Ohio River com-

mercial fishing licenses[,] and seine, *net, trotline* [netting, hoop net] and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the department directly, or through such persons, resident *and* [or] nonresident, as may be designated by the Commissioner as agent for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses, both resident and nonresident, and fur processor's licenses shall be issued directly by the Department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

(5) A live *fish and* bait dealer's license, both resident and nonresident, shall be issued directly by the department, or through such persons, resident or nonresident, as may be designated by the Commissioner as agent for that purpose.

*(6) Musseling licenses, both resident and nonresident, shall be issued directly by the department.*

*(7) Commercial fishing licenses, both resident and nonresident, shall be issued directly by the department, or through such residents as may be designated by the Commissioner as agents for that purpose.*

Section 8. KRS 150.310 is amended to read:

(1) No person shall take any wild bird, whether protected or unprotected, except with bow and arrow, *falconry* or with a gun, which gun shall not be larger than a 10-gauge fired from the shoulder. No birds shall be taken with or by means of any automatic loading or hand operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one piece metal or wooden filler incapable of removal through the loading end thereof in such

manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(2) No person shall hunt birds, whether protected or not, with lights or any other means which might be used to blind birds at night.

Section 9. KRS 150.320 is amended to read:

(1) No person shall take any wild bird [, (including exotic pheasants and partirdges)] except game birds for which there is an open season, either under the laws of Kentucky and the regulations of the department or the laws of the United States, except those birds mentioned in subsection (2) of this section.

(2) This chapter does not protect or in any way limit the taking of [the cooper's hawk, sharp-shinned hawk,] the crow, the starling, *or* the English sparrow [or the great horned owl], but any person taking any of them with a gun must have a hunting license and said gun must be plugged to hold not more than three shells in the magazine and chamber combined as specified in KRS 150.310.

(3) No person shall take, disturb or destroy the nest or eggs of any wild birds.

Section 10. Section 150.330 of 1964 Supplement to KRS is amended to read:

(1) No person shall take any wild birds except during the open season prescribed by the department for the particular species. There shall be no open season for wild turkey, exotic pheasants or chukar partridge until the commissioner, with the approval of the commission, finds the conditions and populations warrant it. Then regulations shall be enacted to govern same. No person shall take quail, ruffed grouse or native pheasant except *during daylight hours.* [from sunrise to sunset.]

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt to do so, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) *as amended* and regulations under it.

(3) No person over sixteen years of age shall hunt any *waterfowl* [wild ducks, geese or brant] unless, at the time, in addition to the appropriate state hunting license, he has on his person a valid Migratory Bird Hunting Stamp of current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

Section 11. KRS 150.340 is amended to read:

[(1) No person shall take more wild birds in any one day than the bag limit prescribed for the species, but the department shall not prescribe bag limits in excess of the following:

| | |
|---|---|
| Quail | 10 |
| Ruffed Grouse or Native Pheasant | 4 |
| Doves | Federal Regulations Apply |
| Ducks | Federal Regulations Apply |
| Geese | Federal Regulations Apply |
| Coots and Gallinules | Federal Regulations Apply |
| Woodcock | Federal Regulations Apply |
| Snipe | Federal Regulations Apply |

*(1)* [(2)] No person shall *take or* have in his possession at any time any number of wild birds, *squirrel, rabbits or frogs* in excess of the bag limit prescribed by the department for the particular species, except that a person who has hunted two or more days in succession may *have in his possession* [transport as personal baggage] a total of not more than twice the bag limit as set by *the* regulations for any one day *and may transport same as a part of his personal baggage.* [for such birds, and a person may have in his possession, in cold storage locker, or provided in KRS 150.305, a number not exceeding two days' bag limit after the first day of the hunting season.]

*(2) A person may have in his possession in cold storage locker as provided in KRS 150.305 a number not exceeding two days bag limit after the first day of the hunting season.*

*(3) Federal regulations shall apply to all migratory birds and waterfowl.*

Section 12. KRS 150.360 is amended to read:

(1) No person shall take any wild animals, whether protected by this chapter or not, except by trapping, gig, bow and arrow, gun, gun and dog, or dog *or by falconry.*

(2) No shotgun used in the taking of wild animals, protected or unprotected, shall be larger than a 10-gauge and fired from the shoulder. No wild animals, protected or unprotected, shall be taken with or by means of any automatic loading or hand operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(3) No person shall hunt wildlife (except opossum [,] and raccoon [,] and frogs) with lights or other means designed to blind wildlife at night.

[(4) No person shall take frogs with a gig other than one of the following sizes and dimensions: The gig shall have not more than four prongs; no prong shall be longer than two and one-half inches; the prongs shall be made out of not heavier than 14-gauge wire or metal, and shall not have more than one barb on each prong.]

Section 13. KRS 150.365 is amended to read:

*No game may be taken as the result of a fire* [No person shall use fire,] or any type of explosive, smoke or gas or in any other way molest or destroy the den or hole or nest of any animal, nor shall any person burn a field for the purpose of driving game, except employes of the Department of Fish and Wildlife Resources in carrying out investigational, research or improvement projects.

Section 14. Section 150.370 of 1964 Supplement to KRS is amended to read:

(1) No person shall take any *"wildlife"* [wild animal protected by this chapter] except during the open season for the particular species as prescribed by the department. [The open

season for pond, bull or jumbo frogs shall be such period as the department may prescribe. There shall be no open season for otter or beaver.]

(2) Subsection (1) of this section shall not apply to persons who hunt red fox at night with dogs for sport and not to kill, *exercise and train rabbit dogs, bird dogs and retrievers;* but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or a professional hunter.

(3) The possession of any [wild animals, fur bearers, or the] raw fur [thereof,] when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the department and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

Section 15. KRS 150.390 is amended to read:

(1) No person shall take, pursue, or attempt to take or pursue or otherwise molest any elk, deer, wild turkey or bear unless the commissioner, with the approval of the commission, finds conditions and populations that warrant an open season, then regulations shall be enacted to govern same.

(2) It shall be unlawful for any person to cast the rays of a spot light, head light, or other artificial lighting device on any highway, or in any field, woodland, or forest, [upon any deer or rabbit with the intention to locate such game] while having in his *or her* possession, or under his *or her* control, a firearm or other implement by which *a* [such] deer or rabbit could be killed, even though such game be not shot at, injured or killed.

(3) It *is* [shall be] unlawful for any dog to chase or molest [in any manner any] deer *in any manner, at any time, or at any place.* [on any game refuge or state park or on any other land.] Any conservation officer, peace officer, sheriff or constable may take necessary steps to stop, prevent, or bring under control any dog, or dogs, found chasing or molesting deer at any time.

(4) It shall be unlawful to shoot or attempt to shoot any wild birds or wild animals, protected or unprotected, or any fur bearing animals from an automobile, or other vehicle, at any time or place.

*(5) It is unlawful for any person, resident or nonresident, except persons or officers permitted by law to carry any shotgun, rifle, pistol or pellet gun in or on any vehicle, including aircraft, unless such shotgun, rifle, pistol or pellet gun is taken apart to render it incapable of being fired or is unloaded and enclosed in a case; or to carry any bow or cross bow in or on any vehicle unless such bow is unstrung or enclosed in a case, and the mere removing of a bolt from a bolt action gun shall not be construed as taking the gun apart so as to render it incapable of firing.*

Section 16. KRS 150.450 is amended to read:

(1) The Department of Fish and Wildlife Resources shall promulgate reasonable regulations governing seining for minnows and crawfish in the public waters of the Commonwealth. The regulations shall prescribe the length, width, and size of mesh of the seines used, and shall prescribe the type of minnows and crawfish that may be taken and the purposes for which they may be used.

(2) Any person possessing a commercial fishing license may take rough fish, by the use of seines, *lines* and nets the types, length, width, mesh size and other specifications of which shall be prescribed by the Department by regulation, from the streams and waters of the Commonwealth.

(3) No person shall operate or have in possession any seines, [or] nets, *commercial trotlines* or snag lines unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a [metal] tag for the use *and* [or] possession of each net, *line* and [or] seine, and has complied with the provisions of this chapter or *regulations of the Department.* The [metal] tags shall be affixed to and displayed on the seines, [or] nets *and* [or snag] *lines* at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines, [and] nets *and*

*lines* in their possession for the purpose of sale outside of the state or retail dealers selling legal seines [or legal] , nets *or lines.*

Section 17. KRS 150.460 is amended to read:

(1) No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any *stream or body of water* [public waters] any substance that might injure, interfere with or cause the waters to be unfit for the support of aquatic life. When any employe of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any *stream or body of water* [public waters], his act shall be prima facie evidence of the guilt of both the employe and employer, and either one or both may be punished as provided in paragraph (a) of subsection (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employes of the department acting in official capacity.

(2) No person shall use, or attempt to use any electrical device of any type (such as telephone, or electrical leads from a magneto, or battery, or motor or any other type of electrical equipment) in any stream or body of water. This does not prevent the authorized employes of the department from using this or any devices in research or investigational work.

(3) No person shall willfully place or attempt to place in any *stream or body of water* [of the public waters] of the state any substance which has a poisonous effect or intoxicating effect upon aquatic life.

(4) Conservation officers and other persons appointed by the commissioner and all peace officers have the authority to enforce KRS 220.580 to 220.990, known as the Water Pollution Control Law.

*(5) No person shall kill, injure, shock or stun or attempt to kill, injure, shock or stun any fish by any explosive agent or similar substance or device.*

Section 18. KRS 150.485 is amended to read:

No person shall sell live *fish, aquatic invertebrates, reptiles or amphibians* [bait to be used in angling] unless he has ob-

tained [from the commissioner] a live *fish and* bait dealer's license *from the department.* [No live bait dealer shall export any minnows or crawfish from this state or sell them to any nonresident to take the same out of the state.]

Section 19. KRS 150.990 is amended to read:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than fifteen dollars nor more than one hundred dollars.

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsection (1) and (2) of KRS 150.180, KRS 150.300, subsection (1) of KRS 150.310, KRS 150.330, subsection (2) of KRS 150.360, KRS 150.485 or KRS 150.600 shall be fined not less than twenty-five nor more than two hundred dollars or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of subsection (1) of KRS 150.460 shall be fined not less than one hundred dollars nor more than *five hundred* [one thousand] dollars, or imprisoned for not more than six months, or both. *Any person who violates any provisions of this act thereby causing the death or destruction of fish and wildlife which in addition to the penaltes provided for in KRS 150.460, subsection (1) of this Act and KRS 220.580 and 220.650 shall in addition be liable to the Commonwealth of Kentucky and the Department of Fish and Wildlife Resources in an amount reasonably necessary to restock such fish or replenish such wildlife which has been killed or destroyed.*

(b) Any person who violates subsection (2) or subsection (3) *or subsection (5)* of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for

not less than one year nor more than three years and shall be fined not more than five hundred dollars. *Any person who violates any provisions of this Act thereby causing the death or destruction of fish and wildlife which in addition to the penalties provided for in KRS 150.460, subsection (2), subsection (3), and subsection (5), of this Act and KRS 220.580 and 220.650 shall in addition be liable to the Commonwealth of Kentucky and the Department of Fish and Wildlife Resources in an amount reasonably necessary to restock such fish or replenish such wildlife which has been killed or destroyed.*

(5) Any licensee who violates any provisions of this chapter or any regulation adopted by the commissioner thereunder shall, in addition to the penalties provided in subsections (2), (3), [and] (4) *and (5)* of this section, forfeit his license.

(6) Any county court clerk who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars nor more than five hundred dollars.

(7) Any person who violates the provisions of subsection (2) of KRS 150.185 shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

(8) Any person who violates any provisions of KRS 150.390 shall be fined not less than one hundred dollars, nor more than *five hundred* [one thousand] dollars.

(9) Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars, nor more than two hundred dollars or imprisoned for not more than six months, or both.

(10) Any person who violates any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

(11) Any person violating the provisions of subsection (1)

of KRS 150.670, shall be fined not less than fifteen dollars nor more than one hundred dollars.

An owner, lessee or occupant of premises who gives permission to another person to hunt, fish, trap, camp or hike upon such premises shall owe no duty to keep the premises safe for entry or use by such person or to give warning of any hazardous conditions on such premises, and such owner, lessee or occupant, by giving such permission, does not thereby extend any assurance that the premises are safe for such purpose, or constitute the person to whom permission is granted an invitee to whom a duty of care is owed. The owner, lessee or occupant giving permission for any of the purposes stated above shall not be liable for any injury to any person or property caused by the negligent acts of any person to whom permission is granted. This section shall not limit the liability which would otherwise exist for wilfull and malicious failure to guard, or to warn again, a dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp or hike was granted for a consideration other than the consideration, if any, paid to said owner, lessee or occupant by the state. The word "premises" as used in this section includes lands, private ways and any buildings and structures thereon. Nothing in this Act limits in any way any liability which otherwise exists.

Section 21. KRS 150.022 is amended to read:

(1) The Department of Fish and Wildlife Resources Commission shall consist of nine members, one from each wild life district, as set out by the commissioner with the approval of the commission, and not more than five of the same political party.

(2) The Governor shall appoint the members of the commission. Each of such members shall be appointed for a term of four years.

(3) Vacancies through the expiration of terms of the members of the commission shall be filled by appointment by the Governor from a list of [five] *six* names from each wild life district, recommended and submitted by the sportsmen of each respective district. When the term of a member expires, the commissioner shall call a meeting of the sportsmen in that dis-

trict not later than thirty days prior to the expiration of such member's term. Notice of the meeting shall be given by publication at least two times in a newspaper having statewide circulation; [,] *the first notice shall be given* [at least] thirty days prior to the date set for the meeting *and the second notice shall be given ten days before such date. This meeting shall be held in a public building located near the geographic center of the district. This meeting shall be called to order by the commissioner and he shall explain the purpose of the meeting and who is qualified to vote. The commissioner shall ask for nominations from the floor for election of a chairman for the meeting. The elected chairman shall explain the purpose of the meeting and who is qualified to vote. The chairman shall appoint assistants necessary to distribute and tabulate the ballots. Each person present shall receive a prepared statement with ballot attached reading as follows: I hereby swear or affirm that I am a resident of this _____ district and I owned a resident Kentucky fishing or hunting license for the past year and have in my possession at the present time a current resident fishing or hunting license, Signed _____. Anyone failing to sign the above statement shall not be allowed to vote. After this statement has been delivered to the chairman or his designated assistant the sportsman is eligible to vote. Any employees of the Department eligible are privileged to vote, but except as hereinabove provided, shall take no part in the election either before or during the meeting.* At such meeting, the sportsmen in attendance shall select and submit to the Governor a list of *six* [five] resident [s] *sportsmen* [and citizens] of the district who are well informed on the subject of wild life conservation and restoration. *This list shall contain the names of not more than three persons of the same political party.* The Governor shall appoint a successor to the member whose term is about to expire within sixty days following the submission to him of the list hereinabove referred to, and in no event later than August 13.

(4) Upon appointment to the Commission of the Department of Fish and Wildlife Resources, each commissioner shall execute a bond of one thousand dollars in favor of the Department of Fish and Wildlife Resources, the premium on said bond to be paid out of department funds.

(5) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose.

(6) Each member of the commission shall take the constitutional oath of office.

(7) The Governor may remove any member of the commission for inefficiency, neglect of duty, or misconduct in office; but shall first deliver to such member a copy of all charges in writing and afford to him an opportunity of being publicly heard in person or by counsel in defense of such charges, upon not less than ten days' notice. If a member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his findings thereon, together with a complete record of the proceedings.

(8) Each member of the commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him in the discharge of his official duties, such expenses not to exceed five hundred dollars per annum for each member, and to be paid from the Game and Fish Fund.

(9) A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the commission.

(10) The department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment and printed forms and to issue such notices and publications as the commissioner may deem necessary to carry out the provisions of this chapter.

(11) The word "sportsman" as used in this section shall mean a resident hunter or fisherman who has been licensed in Kentucky for [each of] the *past year and is currently licensed* [two consecutive years].

Section 22. KRS 150.176, 150.380, 150.445 and 150.500 are repealed.

Committee amendment No. 1 to **HB 324** is as follows:

Amend printed copy of House Bill 324 on page 25, line 12, by:

inserting after the word *"unlawful"* the words *", during the period from sunset to sunrise,"*

and on page 25, line 15, by deleting the word *"pistol"*.

Committee amendment No. 2 to **HB 324** is as follows:

Amend printed copy of House Bill 324 on page 31, line 19, by:

striking the word *"six"* and inserting in lieu thereof the word *"ten"*

and on page 32, lines 3 and 4, by striking the words *"and he shall explain the purpose of the meeting and who is qualified to vote"*

and on page 32, line 17, by inserting after the word "vote" the following: *"for one candidate only; any ballot with more than one vote will be marked void"*

and on page 32, line 21, by striking the word *"six"* and inserting in lieu thereof the word *"ten"*

and on page 32, line 25, by striking the word *"three"* and inserting in lieu thereof the word *"five"*;

and by inserting before the word "for" the words *"or the Commissioner"*.

The Committee on Public Utilities reported **HB 206** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 206**, AN ACT relating to filing and recording of mortgages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 382.340 is amended to read:

(1) Mortgages executed by corporations, authorized to operate railroads, motor transportation lines, electric lights, heat and power plants, water plants, telegraph and telephone lines, *pipe lines for the transportation or distribution of natural or manufactured gas, or a mixture of same,* which cover rights of way, franchises, pipe lines, pole lines, easements, railroad tracks, engines, cars, motor equipment or any tangible personal property, or after-acquired property of whatever kind, shall be duly acknowledged as required by law and recorded as mortgages on

real estate are required to be recorded only in the county in Kentucky in which the principal office of the corporation is located.

(2) If the mortgage covers other real property in addition to rights of way, franchises, pipe lines, pole lines, easements, railroad tracks, engines, cars, motor equipment or tangible personal property, then the mortgage shall also be recorded in each county in which such other real property is located.

(3) [when such] Mortgages *heretofore or hereafter* [is] lodged for record, as herein provided, [it] shall be effective against purchasers for a valuable consideration without notice and against creditors as defined in KRS 382.270.

The Committee on Regulation of Intoxicating Liquors reported **HB 186** with the expression of opinion that the same should not pass.

The Committee on Regulation of Intoxicating Liquors reported **HB 200** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 200**, AN ACT relating to alcoholic beverages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) Any person of the age of seventeen years and under the age of twenty-one years who represents that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any alcoholic beverage, except when authorized by law, shall be fined not to exceed five hundred dollars or imprisoned not to exceed six months, or both.

(2) Any person under the age of seventeen years who represents that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any alcoholic beverage, except when authorized by law, shall be dealt with as provided in KRS Chapter 208.

Section 2. Any person under the age of twenty-one years who purchases or attempts to purchase, or has in his possession any alcoholic beverage as defined in KRS 241.010 shall be fined not

to exceed five hundred dollars or imprisoned not to exceed six months, or both.

Section 3. Any person under twenty-one years of age who loiters about or remains in any establishment where alcoholic beverages are sold for consumption on the premises after the proprietor or his employe or any peace officer has asked the person to leave shall be dealt with as provided in KRS Chapter 208, or, if the person is seventeen years of age or older, he may be fined not to exceed one hundred dollars or imprisoned not to exceed thirty days, or both such fine and imprisonment.

The Committee on County Government reported **HB 105** with the expression of opinion that the same should not pass.

The Committee on County Government reported **HB 163** with Committee amendment attached thereto, **HB 234, HB 240, HB 250, HB 289** and **HB 308** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 163**, AN ACT relating to group life insurance for county employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Fiscal Court of a county may procure from one or more life insurance companies, authorized to do business in this state, a policy or policies of group life insurance insuring the lives of all or any class or classes of county employes. The policy or policies shall be approved by the State Commissioner of Insurance and may contain such provisions as he approves whether or not otherwise permitted by the insurance laws. The term "County Employe", for purposes of this Act, shall mean a person who is regularly employed by any department, board, agency, or branch of county government, and who is also a contributing member of the County Employes Retirement System.

Section 2. The premiums may be paid by the policyholder (a) wholly from funds contributed by the insured employe, by payroll deduction or otherwise, (b) wholly from funds con-

tributed by the Fiscal Court or department or agency, or (c) partly from each. No payment of premium by the county or department, board or agency shall constitute compensation to an insured employe for the purposes of any statute fixing or limiting the compensation of such employe; any premium or other expense incurred by the county or department, board or agency shall be considered a proper cost of administration.

Section 3. The policy or policies may also provide accidental death, and dismemberment insurance and may contain such provisions with respect to the class or classes of employes covered, amounts of insurance for designated classes or groups of employes, terms of eligibility, continuation of insurance after retirement, and such other provisions as the Commissioner of Insurance may approve.

Section 4. The Fiscal Court is authorized to perform all acts necessary or advisable for the purpose of contracting for and maintaining insurance under the provisions hereof.

Committee amendment to **HB 163** is as follows:

Amend printed copy of House Bill 163 on page 1, lines 10, 11 and 12, by:

striking out the following:

"and who is also a contributing member of the County Employes Retirement System."

**HB 234**, AN ACT relating to fire prevention.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 74.414 is amended to read:

*(1)* The commissioners of a water district, in order to abate possible health menaces in their area and to increase the consumption of water in the area, or whenever such commissioners deem it to be for the general benefit of the water district, shall have the authority to contract with any city, water district or sewer construction district, or other incorporated municipality or district, to provide for the operation of a water system, or a sanitary sewer system, or both, regardless of whether or not such water district operated by said board of commissioners has or

will acquire any ownership rights in such systems to be so operated, upon such terms and conditions as such board of commissioners may deem appropriate, with or without any consideration being paid to or received by such water districts, other than the general benefit which may accrue to the water district from having more water or sewer customers and consequent increased use of water or sewer service.

*(2) The commissioners of a water district in order to provide adequate means of fire protection, may require minimum fire hydrant spacing for new or extended water lines within their area.*

Section 2. KRS 67.320 is amended to read:

(1) The fiscal court of any county within this Commonwealth may maintain a fire department for the purpose of protecting the property of the county and citizens thereof who reside outside of any municipality wherein a fire department is being maintained.

(2) If any county elects to operate a fire department the fiscal court may purchase whatever equipment is necessary for said purpose and is further authorized to lease or purchase any property or building necessary for the storing of said equipment, and the person or persons in said fire department or operating said equipment. The said fiscal court is authorized to employ a sufficient number of persons deemed necessary for the purpose of carrying out the provisions of this section. If the fiscal court elects to operate a fire department then the court is authorized to fix salaries of the persons employed and to pay said salaries in monthly payments out of the general fund of the county. The budget commission of any county electing to operate under this section is authorized and directed to set out in said budget a sum sufficient to defray the expenses of said department.

*(3) That the fiscal court of any county may maintain a fire protection program and contract with city fire departments, fire prevention districts established under authority of Chapter 75 of the Kentucky Revised Statutes, and other organized fire departments, including volunteer fire departments. The fiscal court may obtain property for said departments under the authority of KRS 67.085.*

Section 3. KRS 227.230 is amended to read:

The commissioner shall appoint a state fire marshal and such deputy fire marshals, assistants and employes as are necessary to carry out the purposes of KRS 227.200 to 227.400. The state fire marshal, under the general direction of the commissioner, shall enforce and administer the provisions of KRS 227.200 to 227.400 and rules and regulations issued hereunder. The chief of each [city] fire department and the sheriff of each county shall be deemed deputies when ordered by the commissioner to act as such for their respective cities and counties. *Other deputy fire marshals may be appointed from the members of the fire department as the state fire marshal deems necessary.*

Section 4. KRS 227.240 is amended to read:

The deputy fire marshal [for any city or county in which fire loss occurs] shall immediately investigate the origin and circumstances of [the] *a* fire *in his area* and determine the cause of the fire so far as practicable. If it appears to the deputy that the fire is of suspicious origin he shall immediately notify the department.

Section 5. KRS 227.320 is amended to read:

[KRS 227.200 to 227.400 shall not deprive the authorities of any county, city or other political subdivision of any power or jurisdiction over any property.] *The authorities of any county, city or other political subdivision may adopt and enforce the Standards of Safety promulgated by the Commissioner of Public Safety.* Whenever the commissioner, by rules and regulations prescribes a standard of safety from fire loss, such rules and regulations shall establish a minimum requirement concerning the matters covered thereby and shall be so construed in relation to any local rules and regulations.

Section 6. KRS 227.380 is amended to read:

(1) Whenever the chief of the fire department [of a city] or any officer or member of his department designated by him for that purpose, finds any property which, for want of repairs, lack of sufficient fire escapes, age, delapidated condition or any other cause, is especially liable to fire loss, or whenever an of-

ficer finds in any property, combustible or explosive matter or inflammable materials likely to result in fire loss, he shall order it to be remedied. The order shall forthtwith be conformed to by the owner of the property.

(2) The owner may appeal to the commissioner within ten days following receipt of the order. The commissioner shall, within twenty days, review the order and file his decision. The order shall remain in full force until it is revoked or modified by the commissioner.

Section 7. KRS 227.500 is amended to read:

A city or county may fix a penalty for the violation of any ordinance or resolution passed under the provisions of KRS [227.450] *227.200 to 227.500,* a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment for not more than fifty days, or both.

**HB 240**, AN ACT relating to county fire department merit systems.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) Any county may, by order of its fiscal court, duly made and entered of record, create a county fire department merit system, and for that purpose establish a county fire department merit board, whose duties it shall be to classify and examine applicants seeking employment as firemen or employes of the fire department of the said county, and, in addition, to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said county fire department of all personnel of the county fire department or departments affected as provided in this Act, and, in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected as provided in this Act.

(2) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board.

(3) KRS 78.410 to 78.460 and 78.990 shall be followed in the establishing of a county fire department merit system as provided by Section 1. All terms referring to the county police force, by context or definition, shall be taken to mean county fire department. Other terms mean:

(a) "Board" means the county fire department merit board created by subsection (1).

(b) "Chief" means the chief of the county fire department affected by this 1966 Act.

(c) "Assistant chief" means the next in command to the chief of the county fire department affected by this 1966 Act.

(d) "Secretary" means the executive secretary and examiner employed by the county fire department merit board created by this 1966 Act.

(e) "Officer" means any member of the county fire department affected by this 1966 Act.

(f) "Employee" means all other employes of the county fire department affected by this 1966 Act.

(4) This section applies to counties containing a city of the second class which have not established county police merit systems as provided by KRS 78.400 to 78.460 and 78.990.

Section 2. Any county may, by order of its fiscal court, duly made and entered of record, create a merit system for both the county police force and the county fire department, and for that purpose establish a single merit board for both. The board shall concurrently exercise the powers granted by KRS 78.400 to 78.460 and 78.990 and by Section 1 of this 1966 Act.

Section 3. KRS 78.425 is amended to read:

(1) All police officers of whatever rank and title, and all employes of every county police force affected by KRS 78.400 to 78.460 and 78.990 are covered by the provisions hereof. All such covered officers and employes of every county police force on active duty or service as of the effective date of a duly made and entered order of the fiscal court of the said county creating a county police merit system and board, shall be deemed fit and

qualified to continue their respective duties of employment on or for their respective county police force without examination or further qualification, except and unless the chief of police of any county police force shall within sixty days after the establishment of the board certify to the said board that any officer or employe is physically unfit to continue his or her duties.

*(2) Where a merit system is established which covers a county fire department, the provisions of subsection (1) shall apply to the county fire department as they apply to the county police force.*

*(3)* [(2)] All personnel covered by the provisions of KRS 78.400 to 78.460 *or this 1966 Act, or both,* shall be deemed to be permanent employes subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior.

**HB 250**, AN ACT relating to the County Employes Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 78.510 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 78.510 to 78.880, unless the context otherwise requires:

(1) "System" means the County Employes Retirement System;

(2) "Board" means the Board of Trustees of the system;

(3) "County" means any county or political subdivision or instrumentality participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and provided the board is willing to accept such agency or corporation, the board being hereby granted the authority to determine the eligibility of such agency to participate;

(4) "Examiner" means the medical examiner or examiners as provided in KRS 78.510 to 78.880;

(5) "Employe" means every regular full-time appointed

or elective officer or employe of a participating county. The term shall not include persons engaged as independent contractors, and seasonal, emergency, temporary and part-time workers. In case of any doubt, the board shall determine if a person is an employe within the meaning of KRS 78.510 to 78.880;

(6) "Employer" means a county, the electorate of a county, or any authority of such county having the power to appoint or elect an employe to office or employment in such county;

(7) "Member" means any employe who is included in the membership of the system;

(8) "Service" means the total of current service and prior service as defined herein;

(9) "Current service" means the number of years and [completed] months [, expressed as a fraction of a year,] of employment as an employe, on and after July 1, 1958, for which creditable compensation is paid [. An employe shall be credited with one month of current service only in those months he receives compensation for at least one hundred hours of work];

(10) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1958, for which creditable compensation was paid. An employe shall be credited with one month of prior service only in those months he received compensation for at least one hundred hours of work;

(11) "Beneficiary" means the estate of a member or a person entitled to receive benefits under KRS 78.510 to 78.880 [. The designation of a beneficiary shall remain in full force and effect until changed by the member. In the event the death of a person who is designated as beneficiary precedes that of the member, then the estate of the member becomes the beneficiary];

(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means all salary, wages and fees paid to the employe as a result of services performed for the employer. In cases where compensation includes maintenance and other prerequisites, the board shall fix the value of that part of the compensation not paid in money;

(14) "Final compensation" of a member means the creditable compensation of the member during the five fiscal years he was paid at the highest average monthly rate [of any of the last fifteen years of creditable compensation preceding the member's retirement date] divided by the number of months of service *credit* during that five-year period multiplied by twelve. Said five years may be fractional and need not be consecutive. In the event the number of months of service *credit* during such five-year period is less than forty-eight, one or more additional fiscal years shall be used;

(15) "Retirement allowance" means the retirement payments to which a member is entitled;

(16) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(17) "Normal retirement date" means the sixty-fifth birthday of a member;

(18) "Fiscal year" of the system means the twelve months from July 1 through the following June 30; [.]

*(19) "Agency reporting official" means the person designated by the participating agency to file reports with the County Employes Retirement System.*

Section 2. Section 78.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county, as defined in KRS 78.510, will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the governing body of the county. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be *fixed in the order* [July 1 of any year following June 19, 1958].

(2) Once a county participates it shall thereafter continue to participate except as provided in KRS 78.535.

(3) In counties *not participating in the system in accordance with subsection (1) of this section,* [having a population of seventy-five thousand or more] the county fiscal court, upon request of either the clerk of the county court or the sheriff of the county, shall enter an appropriate order authorizing the participation in the system, said order to be duly recorded in the records of the fiscal court. Provided, however, anything in KRS 78.510 to 78.880 to the contrary notwithstanding, the fiscal court shall not be liable for "normal contribution" or "past service liability contribution" with reference to the county court clerk and his employes and deputies and the sheriff and his employes and deputies, and further that the "normal contribution" and "past service liability contribution" shall be considered office expenditures and shall be paid by the county court clerk and by the sheriff respectively.

(4) The order of the governing body of a county, as provided for in subsection (1) of this section, may exclude from participation in the system, hospitals established in accordance with KRS 216.010 and 216.080 and any other semi-independent agency. Each such excluded agency may participate in the systerm as a separate agency.

Section 3. Section 78.580 of the Kentucky Revised Statutes is amended to read as follows:

The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service *credit and how much service in any calendar month is the equivalent of a month of service credit,* but in no case shall it allow credit for more than one year of service for all service rendered in any period of twelve consecutive months.

Section 4. Section 78.607 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member of the system whose employment has previously been terminated without prejudice and who has been refunded his accumulated contributions, thereby losing service

credit, may regain such credit by paying to the system the amount refunded with interest at a rate determined by the board.

(2) Any former member of the system whose employment has previously been terminated without prejudice and who has been refunded his accumulated contributions, thereby losing service credit, may regain such credit by paying to the system the amount refunded with interest at a rate determined by the board, provided such former member is *a member of* ["an employe" of a department participating in] the Kentucky Employes Retirement System and who desires to exercise reciprocal rights as provided in KRS 78.850.

(3) Effective July 1, 1962, and thereafter any employe of a participating county who did not elect membership as provided in subsection (2) of KRS 78.540 may obtain credit for prior service and for current service by paying to the system the contribution he would have paid had he elected membership with interest at the rate determined by the board and an additional sum equal to fifty percent of this amount. The payment of the fifty percent sum shall be considered as accumulated contributions of the individual member.

(4) Effective July 1, 1964, and thereafter, an employe of a participating county which did not participate in the system effective July 1, 1958, may obtain credit for current service between July 1, 1958, and the effective date of participation of his county by paying to the system the contribution he would have paid had his county participated on July 1, 1958, with interest at the rate determined by the board and an additional sum equal to fifty percent of this amount. The payment of the fifty percent sum shall be considered as accumulated contributions of the individual member.

*(5) Effective July 1, 1966, and thereafter, any former employe of a participating county who did not elect membership as provided in subsection (2) of KRS 78.540 may obtain credit for prior service and for current service by paying to the system the contribution he would have paid had he elected membership with interest at the rate determined by the board and an additional sum equal to fifty percent of this amount, provided such former employe is a member of the Kentucky Employes Retire-*

*ment System and who desires to exercise reciprocal rights as provided in KRS 78.850. The payment of the fifty percent sum shall be considered as accumulated contributions of the individual member.*

*(6)* [(5)] Service credit obtained under this section shall be disallowed if a member does not obtain *six* [twelve] months additional current service *credit* after the date such rights under this section have been exercised.

Section 5. Section 78.610 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member shall, commencing on *July 1, 1966,* [the date he becomes a member] contribute for each pay period, for which he receives compensation *four* [three and one-half] percent of his creditable compensation.

[(2) Each employe of a county on the date the county first participates in the system who elects to become a member subsequent to such date, but prior to the next succeeding October 1, shall make contributions which he would have made if he had elected to become a member as of the date such county first participated.]

*(2)* [(3)] The treasurer, attorney, clerk, jailer and sheriff of a participating county shall cause to be deducted from the "creditable compensation" of each member for each and every payroll period subsequent to the date the county participated in the system, the contribution payable by such member as provided in KRS 78.510 to 78.880. The attorney, clerk, jailer and sheriff shall promptly pay such deducted member contributions to the treasurer for forwarding to the board in accordance with KRS 78.625 [78.630].

*(3)* [(4)] In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from compensation for any period less than a full payroll period if any employe was not a member on the first day of the payroll period.

*(4)* [(5)] The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by KRS 78.510 to 78.880.

*(5)* [(6)] Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

Section 6. Section 78.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in KRS 78.510 to 78.880 shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

(2) Each member's contribution [provided for in KRS 78.610] shall be credited to the individual account of the contributing member.

(3) Each member [in active service and in vested retirement] on June 30 of *each* [any] year shall have his individual account [of the members' contribution account] credited with interest at a rate determined by the board but not less than two percent per annum on the accumulated contributions of the member *on June 30 of the preceding fiscal year* [; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which each such contribution was made.] *and the* [Such] amounts so credited shall be transferred from the retirement allowance account. *Notwithstanding the provisions of this subsection, a member who has ceased to make contributions to the system shall thereafter be credited with interest only for a period of years equal to his years of current service credit.*

(4) Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.

Section 7. Section 78.670 of the Kentucky Revised Statutes is amended to read as follows:

[(1)] Any member *with the minimum service credit prescribed in Section 15 of this Act* [in service at his normal retirement date or subsequent thereto, who has completed four or more years of service, at least one year of which is current service,] may retire *on or after his fifty-fifth birthday* upon written notification to the board, made by such member, setting forth at what time the retirement is to become effective. [, provided that such] *Such* effective date shall be after his last day of *employment* [service and subsequent to the filing of such notice].

[(2) Any member in service on or after his fifty-fifth birthday and who has completed at least fifteen years of service, at least one of which is current service; or fourteen years of service, at least two of which are current service; or thirteen years of service, at least three of which are current service; or twelve years of service, at least four of which are current service; or eleven years of service, at least five of whch are current service; or ten years of service, at least six of which are current service; may retire upon written notification to the board, made by the member setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.]

[(3) Any member having left service prior to his fifty-fifth birthday after having completed at least fifteen years of service at least one of which is current service, may retire on or after his fifty-fifth birthday provided that he shall not have withdrawn his accumulated contributions prior to the effective date of his retirement. The member shall file a written notification to the board setting forth at what time the retirement is to become effective, provided that such effective date shall be subsequent to the filing of such notice.]

Section 8. Section 78.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon [service] retirement at normal retirement date, or subsequent thereto, a member may receive an annual retirement allowance payable monthly during his lifetime, which shall consist of an amount equal to *1.43* [one percent of the first $4,800 of final compensation multiplied by the number of years of service, plus one and one-fourth] percent of final compensation [in excess of $4,800] multiplied by the number of years of service *credit.*

(2) Upon service retirement prior to normal retirement date, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced *to reflect the earlier commencement of benefits* [by five-tenths percent for each thirty days that the actual retirement date precedes the normal retirement date].

[(3) All persons retired under this section shall be entitled to have their benefits recomputed on July 1, 1962, in accordance with the formula then in effect; provided, that the annual retirement allowance of a member retired prior to this date shall not be decreased.]

Section 9. Section 78.690 of the Kentucky Revised Statutes is amended to read as follows:

Any member *with the minimum service credit prescribed in Section 15 of this Act,* [in service who has ten or more years of service, at least one of which is current service] may *retire* [,] at any time before his normal retirement date [, retire] on account of disability upon written notification to the board, made by the member, setting forth at what time the retirement is to become effective, *Such* [; provided that such] effective date shall be after *his* [the] last day of *employment.* [service and subsequent to the filing of such notice; and provided further that the member is, and has been continuously since his last day of service,] *Upon the examination by a licensed physician or physicians it must be determined that the member, since his last day of paid employment, has been* mentally or physically

incapacitated to engage in any occupation for remuneration or profit *and that such* [, which] disability is a result of bodily injury or disease [,] and that such incapacity is *deemed* [likely] to be permanent.

Section 10. Section 78.700 of the Kentucky Revised Statutes is amended to read as follows:

[(1)] Upon disability retirement, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability *but the amount of the retirement allowance so determined shall be reduced to reflect the commencement of benefits prior to his normal retirement date* except that the amount of such annual retirement allowance *shall not be reduced if the disability occurred in the performance of duty. The annual retirement allowance of* [for] a member with ten or more years of service, at least one of which is current service, shall not be less than $480 [; provided, that if such sum is greater than fifty-two percent of final compensation, the annual retirement allowance shall be fifty-two percent of final compensation].

[(2) All members now retired because of disability shall have their retirement allowance recomputed on July 1, 1962, in accordance with the formula then in effect, provided that the annual retirement allowance of a member retired prior to this date shall not be decreased.]

Section 11. Section 78.740 of the Kentucky Revised Statutes is amended to read as follows:

If a *member's employment has been terminated for a period of thirty consecutive days or if the member has remained in a layoff, seasonal, emergency, temporary or part-time status for a periof of ninety consecutive days,* [member has ceased to be an employe] he, if living, if not, his designated beneficiary, shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received in lieu of any other benefits due under any of the provisions of KRS 78.510 to 78.880.

Section 12. Section 78.775 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a member *in the active employment of a participating agency or on official leave from such agency, provided such leave has been granted in accordance with the policy of the State Department of Personnel, with the minimum service credit prescribed in Section 15 of this Act* [, eligible to retire on benefits payable as provided in subsection (1) or (2) of KRS 78.670,] dies at any time before *the first* retirement *allowance payment has been drawn by the State Treasurer* and has on file with the board at the time of his death a written designation of a beneficiary, who is the spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive an annual benefit payable monthly *commencing in the month following the member's death* which shall be *equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at date of his death, had the member been eligible for retirement and had he chosen benefits payable under KRS 78.760 (2)* [equal in amount to the benefit that would have been paid had the member retired immediately prior to his date of death and elected Option (a) as provided in KRS 78.760] or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty months certain.

*(2) If a member, not in the active employment of a participating agency nor on official leave from such agency with twenty or more years of service credit at least five of which are current service, dies at any time before the first retirement allowance payment has been drawn by the State Treasurer and has on file with the board at the time of his death a written designation of a beneficiary who is the spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive an annual benefit payable monthly commencing in the month following the member's death which shall be equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at date of his death, had the member been eligible for retirement and had he chosen benefits payable under KRS 78.760 (2) or the said beneficiary may elect*

*the actuarial equivalent payable for one hundred twenty months certain.*

[(2) If a member in service with fifteen or more years of service, at least one of which is current service, dies at any time before his fifty-fifth birthday and has on file with the board at the time of his death a written designation of a beneficiary, who is the spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive a monthly payment commencing in the month following the member's death and payable for one hundred twenty months certain. Such benefit payments shall be actuarially equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at the date of his death, had the member been eligible for retirement and had he chosen benefits payable under KRS 78.760 (2).]

Section 13. Section 78.790 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* The board shall be the trustee of the several funds created by KRS 78.510 to 78.880, and shall have full power to invest and re-invest such funds subject [only] to the [same] limitations *that no investments shall be made except upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state. Subject to such limitations, the board shall have full power to hold, purchase, sell, assign, transfer or dispose of, any of the securities or investments in which any of the funds created herein have been invested, as well as of the proceeds of such investments and any monies belonging to such funds* [placed upon the board with regard to the funds of the Kentucky Employes Retirement System, as set forth in KRS 61.650].

*(2) All registered securities in the fund created by KRS 78.510 to 78.880 shall be registered in the name "County Employes Retirement System of the Commonwealth of Kentucky" and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signatures of the Chairman and Executive Secretary of the Board of Trustees.*

*(3) The board, in keeping with its responsibility as trustee and wherever feasible, shall give priority to the investment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth. Subject to the authority granted in this section, the board may invest funds of the Kentucky Employes Retirement System, the County Employes Retirement System and the State Police Retirement System in the obligations of the Kentucky Industrial Development Finance Authority.*

*(4) It is declared to be the policy of the Commonwealth to promote the mutual investment of the funds of the retirement systems administered by the Board of Trustees established under KRS 61.645, and such other public retirement systems as may wish to cooperate, and also, where practicable, to encourage the retention of capital funds within this state and region. In furtherance of this policy the Board of Trustees is empowered to incorporate or otherwise establish, either with or without the cooperation of other public retirement systems, such an organization, or organizations (corporate, trust, or otherwise) as may be desirable to secure the mutual investment of the funds of the systems under its control, and such other public systems as may wish to join, and to promote the policies herein described. Such corporation or other organization shall be deemed a governmental agency, organized for a governmental purpose and not for private profit, and its articles of incorporation, trust indenture or other controlling document shall provide that it shall function under the control of its board of directors or trustees for the purposes and under the limitations established by this statute and by the aforesaid articles of incorporation, trust indenture or other controlling document. Such board of directors or trustees shall be elected not more frequently than once yearly by the votes of the chief administrative officers of the retirement systems which are members of the organization, casting their ballots in accordance with the directives of their respective boards of trustees, and each system shall have a vote or votes in proportion to its investment. Members of the boards of trustees of the investing systems shall be eligible to serve on the board of directors or trustees of the corporation or trust organization formed under this section, and at least one-half of those so selected shall be members of the board of the system which they represent.*

Section 14. Section 78.810 of the Kentucky Revised Statutes is amended to read as follows:

The State Treasurer shall be the custodian of the fund created by KRS 78.510 to 78.880 and he shall be responsible on an official surety bond for all cash and securities in his custody. [All registered securities in the fund created by KRS 78.510 to 78.880 shall be registered in the name "County Employes Retirement System of the Commonwealth of Kentucky" and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signature of the State Treasurer, and securities shall be delivered by him when directed so to do by resolution of the board.] All payments from said fund shall be made by him on warrants issued *by the Department of Finance* [upon orders signed by such person as is designated for the purpose by the board. A duly attested copy of a resolution of the board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commissioner of Finance as his authority for issuing warrants upon such orders. No order shall be signed unless it has previously been authorized by the board, which authorization shall be recorded on the records of the board].

Section 15. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The minimum service credit for a member who earns a month of service credit in the month he becomes 65 years of age or in some month thereafter, shall be forty-eight months at least twelve of which are current service.

(2) The minimum service credit for a member who does not earn a month of service credit in the month he becomes 65 years of age or in some month thereafter, shall be one hundred and eighty months at least twelve of which are current service. Notwithstanding the provisions of this subsection, the minimum of one hundred eighty months shall be decreased by one month for each month that the member's current service exceeds twelve.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Each member shall designate a principal beneficiary

and may designate a contingent beneficiary. This designation shall remain in full force and effect until changed by the member.

(2) In the event the death of the principal beneficiary precedes the death of the member, the contingent beneficiary becomes the principal beneficiary provided the member has not filed a Notification of Retirement with the board.

(3) The beneficiary designated by the member on his Notification of Retirement supersedes the designation of any previous beneficiary. If the death of this beneficiary precedes the date the first benefit payment has been drawn by the State Treasurer, the member may designate another beneficiary.

(4) A member shall not have the right to change his beneficiary after the first benefit payment has been drawn by the State Treasurer. Upon the death of or subsequent divorce from any person designated as beneficiary on this date, the estate of the member becomes the beneficiary.

Section 17. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) A member who is receiving monthly retirement payments under any of the provisions of KRS 78.510 to 78.880 and who is re-employed by a participating agency, shall have his retirement payments suspended for the duration of such re-employment. The payments shall be suspended at the beginning of the month in which the re-employment occurs.

(2) Employer and employee contributions shall not be made on the compensation paid during such re-employment and the member shall not be credited with additional service credit.

(3) In the month following the termination of re-employment, retirement allowance payment shall be reinstated under the Plan the member was receiving payments prior to re-employment.

(4) Notwithstanding the provisions of this section, the payment suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member who re-

ceives less than $1500 in compensation from participating agencies during any calendar year of re-employment.

Section 18. A new section of the Kentucky Revised Statutes is created to read as follows:

A person receiving a monthly retirement payment under the County Employes Retirement System Act, shall be entitled to have his benefits recomputed on July 1, 1966, in accordance with the formulas then in effect, provided the retired member has the minimum service credit prescribed in Section 15 of this Act but his annual retirement allowance shall not be decreased.

Section 19. This Act shall become effective on July 1, 1966.

**HB 289**, AN ACT relating to jailer's fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 64.150 is amended to read:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

| | |
|---|---|
| Attending county and quarterly court per day not exceeding | $6.00 |
| Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day | 2.00 |
| Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons | .50 |
| Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day | *2.50* [2.00] |
| Keeping and dieting prisoners in jail, in counties containing a city of the first class, when confined for an offense other than a felony or contempt of court, per day | 2.50 |
| Imprisoning and releasing a prisoner charged with a misdemeanor | .75 |

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

| | | |
|---|---|---|
| Imprisoning and releasing a prisoner charged with a felony or contempt | | .75 |
| Keeping and dieting a prisoner charged with a felony or contempt, in counties not containing a city of the first class, per day | *2.50* | [2.00] |
| Keeping and dieting a prisoner charged with a felony or contempt, in counties containing a city of the first class, per day | | 2.50 |
| Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons | | .50 |
| Each day's attendance upon the circuit court | | 6.00 |
| Furnishing fuel, light and water to the circuit court, not exceeding, per day | | 2.00 |
| Imprisoning and releasing a prisoner for violation of his probation or parole; provided, however, the state granting probation or parole has executed a compact with the Commonwealth in accordance with KRS 439.560. The fees shall be the same as those charged for felony and contempt. | | |

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

**HB 308,** AN ACT relating to reapportionment of counties into justices districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 25.680 of the Kentucky Revised Statutes is amended to read:

A county may be reapportioned into justices' districts under the provisions of KRS 25.690 and 25.700 at any county court term four years after a previous apportionment, but not within sixty days previous to [an] *any primary or general* election for justice of the peace. No commissioners shall be appointed to make the reapportionment unless notice of the application for reapportionment has been given by written or printed notices, posted at the courthouse door and in three or more public places in each justices' district of the county, at least twenty days before the term of court at which the application is made. If, on the trial of the exceptions to the commissioner's report it appears that a reapportionment is not necessary, the court may refuse the application and dismiss the proceeding at the cost of the application.

The Committee on Motor Transportation reported **HB 181** with the expression of opinion that the same should pass. Ordered placed in Calendar.

## Calendar

**SR 34, HB 90, HB 254, HB 255, HB 263, HB 286, HB 303, HB 342, HB 343, HB 227, HB 120, HB 160, HB 196, HB 199, HB 272, SB 5, SB 20** and **HB 181** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative John Y. Brown moved that the House adjourn until 10:00 a.m., Friday, February 18, 1966.

On the roll call the vote was yeas 33—Arnett, Barber, Bates, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Chaudoin, Clapp, Cox, Criscillis, Denham, Hale, Hardin, Hinkle, Hoffman, Hopkins, Keene, Kelly, King, Maddox, McBrayer, McNamara, Osborn, Peniston, Pile, Russell Reynolds, Russell, Sartin, Sheehan, Smothers, Tucker, Watkins. Nays 23—Ball, Bicknell, Billings, Blythe, Brady, Buky, Clark, DeMarcus, Dempsey, Hoe, Howard P. Hunt, Jr., Kessinger, McCowan, Overman, Peace, Riddle, Secrest, Stuart, Vanover, Warders, Wheeler, White, Wright.

The motion to adjourn was adopted.

## FRIDAY, FEBRUARY 18, 1966

## THIRTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Charles N. King, Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Ball, Jones, Lassiter, Smith and Young.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 17, 1966, be dispensed with and the same approved. Agreed.

### Senate Message

Announcing passage of **SB 21, SB 35, SB 48, SB 47, SB 50, SB 51, SB 52, SB 113, SB 63, SB 122, SB 124, SB 125, SB 128, SB 136, SB 159, SB 139, HR 36** and **SR 32.**

### Introduction of Bills and Resolutions

**HB 419**, by Representative Hinkle: AN ACT relating to education.

**HB 420**, by Representatives Leeds and Peniston: AN ACT relating to crimes and punishment.

**HB 421**, by Representatives Leeds and Peniston: AN ACT relating to deadly weapons.

**HB 422**, by Representative Hale: AN ACT relating to compensation of county commissioners.

**HB 423**, by Representatives Hardin and Maddox: AN ACT relating to revenue and taxation.

**HB 424**, by Representatives Hardin and Maddox: AN ACT relating to revenue and taxation.

**HB 425**, by Representatives Dempsey, Harper, Caldwell,

Clark and Stuart: AN ACT providing for the taking of the sense of the people of the Commonwealth of Kentucky as to the necessity and expediency of calling a Convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to the same, as provided by Section 258 of the present Constitution of Kentucky.

**HB 426,** by Representatives Dempsey, Stuart and Clark: AN ACT providing for the taking of the sense of the people of the Commonwealth as to calling a Convention for the purpose of adopting a revised Constitution.

**HB 427,** by Representative Hoe: AN ACT relating to education.

**HB 428,** by Representatives Hoe, Morgan, DeMarcus, Hislope, Harper, Caldwell, Ball, Harris, Irick and Majors: AN ACT relating to services for blind persons.

## Recess

Representative John Y. Brown moved that the House recess for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Motions, Petitions, and Communications

**HR 85,** by Representative Harris: A RESOLUTION requesting the Commissioner of Corrections to make a study of the feasibility of changing the method of execution of the death penalty.

WHEREAS, the House of Representatives on Thursday, February 17, 1966, voted to retain capital punishment; and

WHEREAS, some of the members of the House of Representatives feel that some of the brutality and savagery of execution by electrocution may be diminished by another method; and

WHEREAS, eleven states have already adopted the use of lethal gas as a means of execution.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That the Commissioner of Corrections and his department be requested to make a hurried study of the feasibility of changing the method of execution of condemned persons from execution by electrocution to execution by the use of lethal gas.

Section 2. That the study be completed and a report of his findings made to the House of Representatives as quickly as possible.

Section 3. That the Clerk of the House of Representatives be directed to deliver a copy of this resolution to the Commissioner of Corrections at once.

Representative Harris moved the adoption of **HR 85.** Agreed.

**HR 84,** by Representative Henry: A RESOLUTION commemorating scholarship Day of the Kentucky Association of Future Homemakers of America.

WHEREAS, the Kentucky Association of Future Homemakers of America, sponsored by the Vocational Home Economics Division of the State Department of Education, is composed of 16,000 home economics students in 250 junior and senior high schools throughout the Commonwealth; and

WHEREAS, the purpose of this organization, which is a part of a national organization of over half-a-million members in 52 states and territories, is to help individuals improve personal, family and community living now and in the future; and

WHEREAS, since 1949, when two $125 scholarships were presented, the Kentucky Association of FHA has sponsored a scholarship project through which members are encouraged and helped to continue their study of home economics in a Kentucky college; and

WHEREAS, twenty members received scholarships of $250 each in 1965 and these young ladies are currently studying home economics in Kentucky colleges of their choice, making a total

of 197 high school graduates receiving FHA scholarships during the 17 years of the project; and

WHEREAS, February 18, 1966, has been proclaimed "FHA Scholarship Day" by the Kentucky Association as a day set aside to interpret and promote the Future Homemakers Scholarship Program in order that their goal of 21 scholarships of $250 each may be presented in June, 1966; and

WHEREAS, the Kentucky Association of FHA, in 1945 received the first state charter, Charter No. 1, in this national organization, and starts the celebration of its 21st birthday in June of 1966;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That this House extend its congratulations to the Kentucky Association of Futue Homemakers of America for their splendid scholarship program on the occasion of their Scholarship Day, February 18, 1966, and wish them much success in the achievement of their 1966 goal of 21-$250 scholarships in their 21st anniversary year.

Representative Henry moved the adoption of **HR 84.** Agreed.

Representative Johnson moved that **HB 269** be taken from the Calendar and recommitted to the Committee on Education.

On the roll call the vote was yeas 17—Allen, Ballenger, Bartley, Blume, Chaudoin, Criscillis, Dempsey, Harris, Hislope, Howard P. Hunt, Jr., Irick, Johnson, Jordan, Sheehan, Stuart, Warders, Webster. Nays 32—Ball, Barber, Bicknell, Bondurant, E. G. Brown, Buky, Caldwell, Clark, DeMarcus, Eicher, Floyd, Hale, Harper, Henry, Kelly, Leeds, McIntyre, Clarence R. Miller, Ostertag, Overman, Peniston, Pile, Riddle, Russell, Short, Smothers, Straney, Tucker, Vanover, Wells, Wheeler, Wright.

The motion that **HB 269** be taken from the Calendar and recommitted to the Committee on Education was rejected.

Representative Blume moved that **HB 230** be read into the Calendar, report of the Committee on Municipalities notwithstanding.

On the roll call the vote was yeas 42—Allen, Arnett, Barber, Bartley, Bates, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Cox, Criscillis, Hale, Henry, Hinkle, Hoffman, Hopkins, Irick, Isler, Jordan, Kelly, Leeds, Martin, McNamara, Clarence R. Miller, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Russell Reynolds, Roberts, Sheehan, Tucker, Webster. Nays 5—Buky, Caldwell, Pile, Sartin, Stuart.

The motion that **HB 230** be read into the Calendar was rejected.

Representative John Y. Brown moved that **HB 230** be recommitted to the Committee on Committees.

On the roll call the vote was yeas 50—Allen, Arnett, Barber, Bartley, Bates, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Cox, Criscillis, Denham, Hale, Hardin, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard, P. Hunt, Jr., Irick, Isler, Jordan, Kelly, King, Leeds, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Sheehan, Straney, Tucker, Watkins, Webster. Nays 8—Ballenger, Buky, Caldwell, Riddle, Sartin, Secrest, Stuart, Wright.

The motion that **HB 230** be recommitted to the Committee on Committes was rejected.

Representative Johnson moved that the House resolve into a Committee of the Whole, 10:30 a.m., Wednesday, February 23, for five city and five county education board members to appear and discuss **HB 269.**

Representative Bondurant amended the above motion to include **HB 258.**

Representative McCowan moved that Representative Bondurant's motion be laid on the table.

On the roll call the vote was yeas 26—Bicknell, Blume, Buky, Caldwell, Chapman, Clark, DeMarcus, Denham, Eicher, Hale, Harper, Jordan, Kessinger, McBrayer, McCowan, John D. Miller, Ostertag, Overman, Russell Reynolds, Riddle, Roberts, Russell, Short, Smothers, Wells, Wright. Nays 27—Allen, Arnett,

Ball, Ballenger, Barber, Bates, Billings, Bondurant, John Y. Brown, Bruce, Cox, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Johnson, King, Leeds, Peniston, Pettit, Pile, Sartin, Straney, Stuart, Warders, Webster.

The motion that Representative Bondurant's motion be laid on the table was rejected.

Representative Bondurant withdrew his motion.

On the roll call the vote was yeas 27—Ball, Bartley, Bates, Bicknell, Billings, Blume, John Y. Brown, Carroll, Criscillis, Hardin, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Johnson, Kelly, Leeds, Majors, McBrayer, John D. Miller, Pettit, Pile, Russell Reynolds, Secrest, Stuart, Warders, Whitlock. Nays 29—Arnett, Ballenger, Barber, Blythe, Bondurant, Bourne, E. G. Brown, Buky, Chapman, Clark, DeMarcus, Denham, Floyd, Hale, Harper, Hinkle, King, McNamara, Peniston, Riddle, Roberts, Russell, Sartin, Short, Smothers, Straney, Vanover, Wells, Wright.

The motion that the House resolve into a Committee of the Whole, 10:30 a.m., Wednesday, February 23, for five city and five county education board members to appear and discuss **HB 258** was rejected.

Representative John Y. Brown moved the adoption of **SR 34.** Agreed.

**Recess**

Representative John Y. Brown moved that the House recess until 1:40 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

**HR 86;** by Representatives Eicher, Riddle, Warders and Denham: A RESOLUTION concerning the Legislative Research Commission and directing a study on parole and probation practices.

Representative Eicher moved the adoption of **HR 86.**

The Speaker referred **HR 86** to the Committee on Committees.

**Report of Committees**

The Committee on Roads and Highways reported **HB 133** and **SB 26** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 133,** AN ACT relating to auto license plates.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) To reduce road accidents and improve the visibility and legibility after dark, all vehicle license plates, beginning with the 1968 issue, shall be fully treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate issue.

(2) For the purpose of procuring these treated plates, an additional fee of fifteen cents per plate for each registration of a vehicle shall be added to the registration fee, which shall be deposited in the Road Fund.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Any registration fee provided for in KRS 186.050 shall have added to it $.15 to defray the expense of providing reflectorization of the license plates.

**SB 26,** AN ACT providing for a uniform system of Official Traffic Control Devices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act "Official Traffic Control Devices" shall mean all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or dividing traffic.

Section 2. The Department of Highways shall promulgate and adopt a manual of standards and specifications for a uniform system of official traffic control devices for use upon all roads and streets. The manual and its future revisions and supplements shall be applicable to all roads and streets under the control of the Department of Highways or any county or incorporated city.

Section 3. All traffic control devices installed on any road or street after the adoption of the manual shall conform to the provisions thereof. Satisfactory operating traffic devices in use on the date of the adoption of the manual may continue to be used, however, if such devices are replaced or revised, they must be replaced or revised in conformance with the provisions of the manual.

The Committee on Governmental Affairs reported **HB 169, HB 178, HB 208** with Committee amendment attached, **HB 210, HB 249, HB 251, HB 311, SR 15** and **SB 62** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 169,** AN ACT relating to state police officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Director of the Division of State Police shall station at least one state police officer in each county of the Commonwealth.

**HB 178,** AN ACT relating to district detectives in counties containing 150,000 population, or containing a city of the second class, or having a population of 40,000, but not containing a city of the second class; or a district composed of three or more counties containing a city of the third class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 69.110 of the Kentucky Revised Statutes is amended to read:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detec-

tives for a term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary of $3,600 annually, paid out of the county levy in equal monthly installments. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

(2) In counties containing a city of the second class the Commonwealth's Attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than $4,000, nor more than $6,000 to be fixed by the fiscal court and paid out of the county levy in equal monthly installments.

(3) The detectives appointed pursuant to subsections (1), (2), (5) or (6) of this section shall have the same power of arrest and right to execute process as sheriffs have. They shall assist the Commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

(4) In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of sums sufficient to reimburse the district detectives for expenses incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.

(5) In counties containing a population of 40,000 or more persons but not containing a city of the second class, the Commonwealth's attorney may, if the fiscal court concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's attorney. Such district detectives may receive an annual salary of not less than $1,800 nor more than $4,800.

*(6) In districts composed of three or more counties and containing a city of the third class, the Commonwealth's attorney may appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's attorney. Such district detective may receive an annual salary not to exceed $4,800, to be paid by the fiscal courts of the district in such manner as they may agree.*

**HB 208,** AN ACT relating to the duties and compensation of the Commonwealth's Attorneys.

WHEREAS, the "crime rate" of the nation has advanced to new all-time highs, the case load of Commonwealth's Attorneys has increased greatly, and

WHEREAS, by reason of recent developments in the application of law preserving and protecting the rights of persons accused of crime, the individual work load for each case has increased greatly for Commonwealth's Attorneys, and

WHEREAS, a need exists for the assignment of competent and experienced trial attorneys to prosecute cases in districts where the regular elected Commonwealth's Attorney, and his assistants, if any, have disqualified, and the other Commonwealth's Attorneys are best qualified by experience to serve as special prosecutors in such instances, and

WHEREAS, it would make for a unified and orderly system of prosecution for Commonwealth's Attorneys to serve, ex officio, as special prosecutors of the Commonwealth, subject to the direction of the Attorney General, and

WHEREAS, in the seventy-five years since the adoption of Section 98 of the Constitution of Kentucky the purchasing power of the dollar has vastly diminished, and

WHEREAS, since the adoption of Section 246 of the Constitution of Kentucky, the more modern "consumer price index" has increased, and

WHEREAS, considering the diminution of the purchasing power of the dollar since 1891, and further considering the rapidly rising "consumer price index" of recent years, and further considering the greatly increased duties of Commonwealth's Attorneys, and further considering the new and additional duties of Commonwealth's Attorneys as special prosecutors, ex officio, of the Commonwealth, that the portion of the compensation of Commonwealth's Attorneys arising from fines and forfeitures is Commonwealth's Attorneys based upon Section 98 of the Constitution is inadaquate, and the remaining portion of the compensation of Commonwealth's Attorneys arising from fines and forfeitures is inadequate, and

WHEREAS, it is the intention of the General Assembly in enacting this legislation to increase the salary of Commonwealth's Attorneys within the limits of the "consumer price index" as comparatively applied in 1966 to the 1891 dollar, and, further to increase the compensation received by Commonwealth's Attorneys from fines and forfeitures commensurate with their new and additional duties as special prosecutors, ex officio, of the Commonwealth, with the "consumer price index" having been considered as a guide in arriving at said compensation,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Each regular Commonwealth's Attorney shall be, ex officio, a special prosecutor of the Commonwealth, and as such shall perform such duties and render such services, at such time and places, co-extensive with the Commonwealth as may be required by the Attorney General. The duties and services may include, but are not limited to, prosecution of or participation in action outside of his judicial district when directed by the Attorney General and assisting the Attorney General in preparation and presentation of the Commonwealth's position in criminal cases appealed to the Court of Appeals.

Section 2. Upon certification by the Commonwealth's Attorney to the Attorney General and for good cause shown that he as the regular elected Commonwealth's Attorney, and his assistant or assistants, if any, should not participate in a particular prosecution arising in his judicial district, the Attorney General may direct another Commonwealth's Attorney as a special prosecutor for the Commonwealth to prosecute the action. Nothing in this section shall prohibit the appointment of a Commonwealth's Attorney pro tem, as provided in KRS 69.060, where applicable.

Section 3. When the Attorney General has been requested to participate in a given case pursuant to KRS 15.200, the Attorney General may, at his own discretion, direct that a Commonwealth's Attorney from another district as a special prosecutor for the Commonwealth participate in the case.

Section 4. In any case in which the regular elected Commonwealth's Attorney, and his assistant or assistants, if any, have certified their disqualification to participate in any case, the said regular elected Commonwealth's Attorney so disqualified shall not participate in nor receive any percentum of any fines or forfeitures which arise out of or result from the case in which he disqualified.

Section 5. Any Commonwealth's Attorney acting as a special prosecutor shall be reimbursed for his actual expenses incurred for lodging, meals and necessary travel. Such claims upon being approved by the Attorney General, shall be submitted to the Department of Finance for preparation of warrants and payments from the State treasury.

Section 6. Section 64.510 of the Kentucky Revised Statutes is amended to read as follows:

The maximum compensation that may be received by a Commonwealth's attorney out of the State Treasury, including the annual salary and the percentage of fines and forfeitures provided for in KRS 69.050, shall not exceed *$9,600* [$6,000]. Counties shall have the same authority to allow and pay additional compensation to the Commnowealth's attorney as is conferred by KRS 64.500 with respect to circuit judges, within the constitutional limit on the compensation *of officers whose jurisdiction or duties are co-extensive with the Commonwealth.* [of local officers.]

Section 7. Section 69.050 of the Kentucky Revised Statutes is amended to read as follows:

Each Commonwealth's attorney shall receive an annual salary of *$1200* [$500] to be paid out of the State Treasury. In addition thereto and in lieu of all taxed fees and perquisites he shall be allowed the sum of *$8,400* [$4,500] per annum out of fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district, to be paid monthly out of the fines and forfeitures collected and paid into the State Treasury each month. Except as provided in KRS 150.160 he shall receive forty percent of all fines and forfeitures recovered in prosecution before any county judge or magistrate and all of the fines and

forfeitures rendered in circuit court except that part now allowed the circuit clerk and county attorney. When the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district in any year are not sufficient to allow him *$8,400* [$4,500] and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to *$8,400* [$4,500]. In no case shall he receive more than *$9,600* [$5000] out of the State Treasury *as compensation* for any one year, but the fiscal court of any county may allow the Commonwealth's attorney for that county additional compensation as it deems proper, to be paid as other claims against the county are paid.

Committee amendment to **HB 208** is as follows:

Amend printed copy of House Bill 208 on page 5, line 20, by: adding the following:

Section 8. KRS 142.030 is amended to read:

"(1) To provide the revenue necessary to carry out the provisions of *KRS 64.51 and* 64.515, a tax of *three* [two] dollars and fifty cents is hereby levied upon conviction in each criminal case carrying a fine where the fine is paid into the State Treasury. The funds raised by the aforesaid tax shall be paid into the State Treasury, and shall be deposited into a revolving fund which hereby is created and designated the Commonwealth's Attorneys' Expense Account, and from which fund the appropriations hereunder shall be disbursed.

(2) Any surplus in excess of forty thousand dollars which shall have accumulated to the Commonwealth's Attorneys' Expense Account at the close of any fiscal year shall be transferred to and become a part of the General Fund of the Commonwealth."

**HB 210,** AN ACT relating to the grazing of livestock on state lands surrounding either state capitol.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 433.510 of the Kentucky Revised Statutes is repealed.

**HB 249,** AN ACT relating to the State Police Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 16.505 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 16.505 to 16.645, unless the context otherwise requires:

(1) "System" means the State Police Retirement System created by KRS 16.505 to 16.645;

(2) "Board" means the Board of Trustees of the Kentucky Employes Retirement System;

(3) "Employer" or "State Police" means the Division of State Police of the Department of Public Safety, or its successor;

(4) "Current Service" means the number of years and completed months of employment as an employe subsequent to July 1, 1958, for which creditable compensation is paid by the employer;

(5) "Prior Service" means the number of years and completed months of employment as an employe prior to July 1, 1958, for which creditable compensation was paid to the employe by the Commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Beneficiary" means the estate of a member or a person entitled to receive benefits under KRS 16.505 to 16.645 [. The designation of a beneficiary shall remain in full force and effect until changed by the member. In the event the death of a person who is designated as beneficiary precedes that of the member, then the estate of the member becomes the beneficiary];

(8) "Accumulated Contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in KRS 16.505 to 16.645, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(9) "Creditable Compensation" means all salary and wages

paid to the employe as a result of services performed for the employer; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(10) "Final Compensation" at any time means the creditable compensation of a member during the five fiscal years he was paid at the highest average monthly rate [of any of the fifteen years of creditable compensation preceding the member's retirement date,] divided by the number of months of service *credit* during such five year period multiplied by twelve; such five years may be fractional, and need not be consecutive. In the event the number of months of service *credit* during such five year period is less than forty-eight, one or more additional fiscal years shall be used;

(11) "Retired Member" means any member entitled to receive benefits under the provisions of KRS 16.505 to 16.645;

(12) "Retirement Allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially Equivalent Benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the board;

(14) "Authorized Leave of Absence" means any time during which a person is absent from employment but retained in the status of an employe in accordance with the personnel policy of the Division of State Police;

(15) "Normal Retirement Date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five on July 1, 1958, it shall mean January 1, 1959;

(16) "Disability Retirement Date" means the first day of the month following six complete months of total and permanent disability or partial disability;

(17) "Dependent Child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen nor married;

(18) "Optional Allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.505 to 16.645;

(19) "Vested Amount" at any time after fifty-five means the actuarially determined value at normal retirement dates of benefits otherwise payable beginning on the normal retirement date together with interest thereon compounded at the rate of interest used to determine the amount of interest credited to individual accounts;

(20) "Disability Ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member;

(21) "Act in Line of Duty" means an act occurring or a thing done, which, as determined by the board, was required in the performance of duty.

Section 2. Section 16.576 of the Kentucky Revised Statutes is amended to read as follows:

(1) A member shall terminate employment on his normal retirement date.

(2) Any member with at least five years of service credit may retire at his normal retirement date, or subsequent thereto, upon written notification to the board, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.

(3) The member shall have the right to elect to have his retirement allowance payable under any one of the plans set forth in this section. The member shall not have the right to revoke such election after the initial benefit payment has been drawn by the State Treasurer.

(4) The member may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to *two* [one and three-fourths] percent of final compensation for each year of service *credit* provided that such monthly payments shall be reduced by *eighty* [eighty-five] dollars beginning with the first payment following his sixty-fifth birthday.

(5) The member may elect to receive a decreased level monthly retirement allowance payable for life, actuarially equivalent to the retirement allowance payable under subsection (4) of this section.

(6) The member may elect to receive a monthly retirement allowance payable for ten years certain, actuarially equivalent to the retirement allowance payable under subsection (4) of this section.

(7) The member may elect to receive a decreased monthly retirement allowance during his lifetime and have such retirement allowance continued after his death to his spouse or a dependent receiving at least one-half of his support from the member, during the lifetime of such person. Such benefit payments shall be actuarially equivalent to the retirement allowance payable under subsection (4) of this section. In case of such an election, benefits that might otherwise be provided under KRS 16.573 shall not be payable upon the death of the member.

Section 3. Section 16.578 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a member, eligible to retire on benefits payable as provided in KRS 16.576, dies at any time before the first benefit payment has been drawn by the State Treasurer and has on file with the board at the time of his death a written designation of a beneficiary, who is his spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive an annual benefit payable monthly which shall be equal to the benefit that would have been paid had the member retired immediately prior to his date of death and elected to receive payments under subsection (7) of KRS 16.576 or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty months certain.

(2) If a member in service with *ten* [fifteen] or more years of service dies at any time before his normal retirement date and has on file with the board at the time of his death a written designation of a beneficiary, who is his spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive *an*

*annual benefit payable monthly which shall be equal* [a monthly payment commencing in the month following the member's death and payable for one hundred twenty months certain. Such benefit payments shall be actuarially equivalent] to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at the date of his death, had the member been eligible for retirement and had he chosen benefits payable under subsection (7) of KRS 16.576 [.] *or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty months certain.*

Section 4. Section 16.581 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the event disability is total and permanent as provided in KRS 16.580 and occurs as a direct result of an "act in line of duty", the member in service shall retire on his disability retirement date and shall be eligible to receive a monthly retirement benefit as follows:

(a) For the disabled member, forty-five percent of his monthly rate of creditable compensation in effect at the time of the disability until death.

(b) For each dependent child of the member on his disability retirement date, who is alive, unmarried and under age eighteen at the time any particular payment is due an additional amount of ten percent of the member's monthly rate of creditable compensation at the time of disability.

(2) In the event disability is total and permanent as provided in KRS 16.580 and is not a direct result of an "act in line of duty", the member in service with ten years of service credit shall retire on his disability retirement date and shall be eligible to receive an annual retirement allowance payable monthly equal to *two* [one and three-fourths] percent of final compensation multiplied by the number of years of service, provided such annual retirement allowance shall not be less than $480.

(3) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is age fifty-five or over.

Section 5. Section 16.591 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the event disability is partial as provided in subsections (1) and (2) of KRS 16.586 and as determined by the board, a member in service with ten years of service credit may retire on his disability retirement date and shall be eligible to receive an annual retirement allowance payable monthly equal to *two* [one and three-fourths] percent of final compensation multiplied by the number of years of service and this product multiplied by the disability ratio.

(2) In event disability is partial as provided in subsection (3) of KRS 16.586 and as determined by the board, such member shall be eligible to receive an annual retirement allowance payable monthly equal to *two* [one and three-fourths] percent of final compensation multiplied by the number of years of service, including the period of total and permanent disability and this product multiplied by the disability ratio. Payments shall begin in the month following the termination of payments under a total and permanent disability.

(3) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is age fifty-five or over.

Section 6. Section 16.647 of the Kentucky Revised Statutes is amended to read as follows:

The State Treasurer shall be the custodian of the fund created by KRS 16.505 to 16.645 and he shall be responsible on an official surety bond for all cash and securities in his custody. *All payments from said fund shall be made by him on warrants issued by the Department of Finance.* [All registered securities in the fund created by KRS 16.505 to 16.645 shall be registered in the name "State Police Retirement System of the Commonwealth of Kentucky" and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signature of the State Treasurer and securities shall be delivered by him when directed so to do by resolution of the board.]

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The board shall be the trustee of the several funds

created by KRS 16.505 to 16.645 and shall have full power to invest and reinvest such funds, subject to the limitations that no investments shall be made except upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state. Subject to such limitations, the board shall have full power to hold, purchase, sell, assign, transfer or dispose of, any of the securities or investments in which any of the funds created herein have been invested, as well as of the proceeds of such investments and any monies belonging to such funds.

(2) All registered securities in the fund created by KRS 16.505 to 16.645 shall be registered in the name "State Police Retirement System of the Commonwealth of Kentucky" and every change in registration, by reason of sale or assignment of such securities shall be accomplished by the signatures of the Chairman and Executive Secretary of the Board of Trustees.

(3) The board, in keeping with its responsibility as trustee and wherever feasible, shall give priority to the investment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth. Subject to the authority granted in this section, the board may invest funds of the Kentucky Employes Retirement System, the County Employes Retirement System and the State Police Retirement System in the obligations of the Kentucky Industrial Development Finance Authority.

(4) It is declared to be the policy of the Commonwealth to promote the mutual investment of the funds of the retirement systems administered by the Board of Trustees established under KRS 61.645, and such other public retirement systems as may wish to cooperate, and also, where practicable, to encourage the retention of capital funds within this state and region. In furtherance of this policy the Board of Trustees is empowered to incorporate or otherwise establish, either with or without the cooperation of other public retirement systems, such an organization, or organizations (corporate, trust, or otherwise) as may be desirable to secure the mutual investment of the funds of the systems under its control, and such other public systems as may wish to join, and to promote the policies herein described. Such corporation or other organization shall be deemed a govern-

mental agency, organized for a governmental purpose and not for private profit, and its articles of incorporation, trust indenture or other controlling document shall provide that it shall function under the control of its board of directors or trustees for the purposes and under the limitations established by this statute and by the aforesaid articles of incorporation, trust indenture or other controlling document. Such board of directors or trustees shall be elected not more frequently than once yearly by the votes of the chief administrative officers of the retirement systems which are members of the organization, casting their ballots in accordance with the directives of their respective boards of trustees, and each system shall have a vote or votes in proportion to its investment. Members of the boards of trustees of the investing systems shall be eligible to serve on the board of directors or trustees of the corporation or trust organization formed under this section, and at least one-half of those so selected shall be members of the board of the system which they represent.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Each member shall designate a principal beneficiary and may designate a contingent beneficiary. This designation shall remain in full force and effect until changed by the member.

(2) In the event the death of the principal beneficiary precedes the death of the member, the contingent beneficiary becomes the principal beneficiary provided the member has not filed a Notification of Retirement with the board.

(3) The beneficiary designated by the member on his Notification of Retirement supersedes the designation of any previous beneficiary. If the death of this beneficiary precedes the date the first benefit payment has been drawn by the State Treasurer, the member may designate another beneficiary.

(4) A member shall not have the right to change his beneficiary after the first benefit payment has been drawn by the State Treasurer. Upon the death of or subsequent divorce from any person designated as beneficiary on this date, the estate of the member becomes the beneficiary.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

A person receiving a monthly retirement payment under the State Police Retirement Act, shall be entitled to have his benefits recomputed on July 1, 1966, in accordance with the formulas then in effect. The annual retirement allowance of such person shall not be decreased.

Section 10. This Act shall become effective on July 1, 1966.

**HB 251,** AN ACT relating to the Kentucky Employes Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 61.510 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 61.510 to 61.700, unless the context otherwise requires:

(1) "System" means the Kentucky Employes Retirement System created by KRS 61.510 to 61.700;

(2) "Board" means the Board of Trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.700, the members, officers and employes of the General Assembly shall be deemed to be a department;

(4) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(5) "Employe" means the members, officers and employes of the General Assembly and every regular full-time appointment or elective officer or employe of a participating department, including the Department of Military Affairs. The term shall not include persons engaged as independent contractors, and seasonal, emergency, temporary and part-time workers. In case of any doubt, the board shall determine if a person is an employe within the meaning of KRS 61.510 to 61.700;

(6) "Employer" means a department or any authority of such department having the power to appoint or select an employe in such department, including the Senate and the House of Representatives;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employe who is included in the membership of the system;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and [completed] months [, expressed as a fraction of a year,] of employment as an employe, on and after July 1, 1956, (except that for members, officers and employes of the General Assembly this date shall be January 1, 1960) for which creditable compensation is paid. [An employe shall be credited with one month of current service only in those months he receives compensation for at least one hundred hours of work; provided, however, that each] *Each* member, officer and employe of the General Assembly shall be credited with a month of service for each month he occupies such position during a legislative biennium;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1956, for which creditable compensation was paid; except that, for members, officers and employes of the General Assembly this date shall be January 1, 1960. An employe shall be credited with one month of prior service only in those months he received compensation for at least one hundred hours of work; provided, however, that each member, officer and employe of the General Assembly shall be credited with a month of service for each month he occupied such position during a legislative biennium;

(12) "Beneficiary" means the estate of a member or a person entitled to receive benefits under KRS 61.510 to 61.700 [. The designation of a beneficiary shall remain in full force and effect until changed by the member. In the event the death of a person who is designated as beneficiary precedes that of the member, then the estate of the member becomes the beneficiary];

(13) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(14) "Creditable compensation" means all salary, wages and fees paid to the employe as a result of services performed for the employer. The creditable compensation of members, officers and employes of the General Assembly shall be calculated as having been received in equal amounts for each month of the biennium. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money.

(15) "Final compensation" of a member means the creditable compensation of the member during the five fiscal years he was paid at the highest average rate [of any of the last fifteen years of creditable compensation preceding the member's retirement date] divided by the number of months of service *credit* during that five-year period multiplied by twelve. Said five years may be fractional and need not be consecutive. In the event the number of months of service *credit* during such five-year period is less than forty-eight, one or more additional fiscal years shall be used;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(18) "Normal retirement date" means the sixty-fifth birthday of a member;

(19) "Fiscal year" of the system means the twelve months from July 1 through the following June 30;

(20) "Officers and employes of the General Assembly" means the occupants of those positions enumerated in KRS 6.150 and the assistants if employed by the General Assembly for at least six legislative bienniums.

Section 2. Section 61.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each department will participate in the system when the Governor by appropriate executive order, the authority to issue such executive order being hereby granted, permits such department to participate in the system. The effective date of such participation shall be [the July 1 coinciding with or next following the signing of such executive order, except that the effective date of participation with respect to members of the General Assembly and the officers and employes thereof shall be] fixed by the Governor in his executive order.

(2) Once a department participates it shall thereafter continue to participate.

Section 3. Section 61.545 of the Kentucky Revised Statutes is amended to read as follows:

The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service *credit and how much service in any calendar month is the equivalent of a month of service credit,* but in no case shall it allow credit for more than one year of service for all service rendered in any period of twelve consecutive months.

Section 4. Section 61.552 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member of the system whose employment has previously been terminated without prejudice and who has been refunded his accumulated contributions, thereby losing service credit, may regain such credit by paying to the system the amount refunded with interest at a rate determined by the board.

(2) Any former member of the system whose employment has previously been terminated without prejudice and who has been refunded his accumulated contributions, thereby losing service credit, may regain such credit by paying to the system the amount refunded with interest at a rate determined by the board, provided such former member is *a member of* ["an employe" of a county participating in] the County Employes Retirement System and who desires to exercise reciprocal rights as provided in KRS 61.680.

(3) Effective July 1, 1962, and thereafter, any employe of a participating department who did not elect membership as provided in subsection (2) of KRS 61.525 may obtain credit for prior service and for current service by paying to the system the contribution he would have paid had he elected membership with interest at the rate determined by the board and an additional sum equal to fifty percent of this amount. The payment of the fifty percent sum shall be considered as accumulated contributions of the individual member.

(4) Effective July 1, 1962, and thereafter, an employe of a participating department which did not participate in the system effective July 1, 1956, may obtain credit for current service between July 1, 1956, and the effective date of participation of his department by paying to the system the contribution he would have paid had his department participated on July 1, 1956, with interest at the rate determined by the board and an additional sum equal to fifty percent of this amount. The payment of the fifty percent sum shall be considered as accumulated contributions of the individual member.

*(5) Effective July 1, 1966, and thereafter, any former employe of a participating department who did not elect membership as provided in subsection (2) of KRS 61.525 may obtain credit for prior service and for current service by paying to the system the contribution he would have paid had he elected membership with interest at the rate determined by the board and an additional sum equal to fifty percent of this amount, provided such former employe is a member of the County Employes Retirement System and who desires to exercise reciprocal rights as provided in KRS 61.680. The payment of the fifty percent sum shall be considered as accumulated contributions of the individual member.*

*(6)* [(5)] Service credit obtained under this section shall be disallowed if a member does not obtain *six* [twelve] months additional current service *credit* after the date such rights under this section have been exercised.

Section 5. Section 61.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member shall, commencing on *July 1, 1966,* [the

date he becomes a member] contribute for each pay period for which he receives compensation *four* [three and one-half] percent of his creditable compensation.

[(2) Each employe of a department on the date the department first participates in the system who elects to become a member within six months subsequent to such date shall make contributions which he would have made if he had elected to become a member as of the date such department first participated.]

*(2)* [(3)] *Each employer* [The Commissioner of Finance] shall cause to be deducted from the *creditable* [salary or] compensation of each member [whose compensation is paid by the state,] for each and every payroll period [subsequent to the date of establishment of the system, and the Adjutant General shall collect from each member in the Department of Military Affairs, whose compensation is paid wholly or in part by the federal government at the time of payment,] the contribution payable by each such member as provided in KRS 61.510 to 61.700.

*(3)* [(4)] In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from compensation for any period less than a full payroll period if any employe was not a member on the first day of the payroll period.

*(4)* [(5)] The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by KRS 61.510 to 61.700.

*(5)* [(6)] Notwithstanding any other provisions of this section, no deduction shall be made from any member's com-

pensation if the employer's contribution required hereunder is in default.

Section 6. Section 61.575 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in KRS 61.510 to 61.700 shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

[(2) The Commissioner of Finance shall, at the end of each payroll period, transfer to the members' contribution account an amount equal to the aggregate amount of the deductions made for the preceding payroll period from the salaries of all members. The Commissioner of Finance shall forward a record of all such transfers to the board.]

*(2)* [(3)] Each member's contribution [provided for in KRS 61.560] shall be credited to the individual account of the contributing member.

*(3)* [(4)] Each member [in active service and in vested retirement] on June 30 of *each* [any] year shall have his individual account [of the member's contribution account] credited with interest at a rate determined by the board but not less than two percent per annum on the accumulated contributions of the member *on June 30 of the preceding fiscal year* [; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which each such contribution was made.] *and the* [Such] amounts so credited shall be transferred from the retirement allowance account. *Notwithstanding the provisions of this subsection, a member who has ceased to make contributions to the system shall thereafter be credited with interest only for a period of years equal to his years of current service credit.*

*(4)* [(5)] Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.

Section 7. Section 61.590 of the Kentucky Revised Statutes is amended to read as follows:

[(1)] Any member *with the minimum service credit prescribed in Section 15 of this Act* [in service at his normal retirement date or subsequent thereto, who has completed four or more years of service, at least one year of which is current service,] may retire *on or after his fifty-fifth birthday* upon written notification to the board, made by such member, setting forth at what time the retirement is to become effective. [, provided that such] *Such* effective date shall be after his last day of *employment* [service and subsequent to the filing of such notice].

[(2) Any member in service on or after his fifty-fifth birthday and who has completed at least fifteen years of service, at least one of which is current service; or fourteen years of service, at least two of which are current service; or thirteen years of service, at least three of which are current service; or twelve years of service, at least four of which are current service; or eleven years of service, at least five of which are current service; or ten years of service, at least six of which are current service; may retire upon written notification to the board, made by the member setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.]

[(3) Any member having left service prior to his fifty-fifth birthday after having completed at least fifteen years of service at least one of which is current service, may retire on or after his fifty-fifth birthday provided that he shall not have withdrawn his accumulated contributions prior to the effective date of his retirement. The member shall file a written notification to the board setting forth at what time the retirement is to become effective, provided that such effective date shall be subsequent to the filing of such notice.]

Section 8. Section 61.595 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon [service] retirement at normal retirement date, or subsequent thereto, a member may receive an annual retirement allowance, payable monthly during his lifetime, which shall

consist of an amount equal to *1.47* [one percent of the first $4.800 of final compensation multiplied by the number of years of service, plus one and one-fourth] percent of final compensation [in excess of $4,800] multiplied by the number of years of service *credit,* provided that the annual *normal* retirement allowance for each year a member has served as a member of the General Assembly shall [be] not *be* less than *$75.* [$50; except that the amount of such] *The* annual *normal* retirement allowance for a member with ten or more years of service, at least one of which is current service, shall not be less than $480.

(2) Upon service retirement prior to normal retirement date, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced *to reflect the earlier commencement of benefits* [by five-tenths percent for each thirty days that the actual retirement date precedes the normal retirement date]; and the determination made pursuant to this subsection shall not take into account the minimum annual retirement allowance of $480 provided in subsection (1) of this section.

Section 9. Section 61.600 of the Kentucky Revised Statutes is amended to read as follows:

Any member *with the minimum service credit prescribed in Section 15 of this Act,* [in service who has ten or more years of service, at least one of which is current service] may *retire* [,] at any time before his normal retirement date [, retire] on account of disability upon written notification to the board, made by the member, setting forth at what time the retirement is to become effective. *Such* [; provided that such] effective date shall be after *his* [the] last day of *employment.* [service and subsequent to the filing of such notice; and provided further that the member is, and has been continuously since his last day of service,] *Upon the examination by a licensed physician or physicians it must be determined that the member, since his last day of paid employment, has been* mentally or physically incapaci-

tated to engage in any occupation for remuneration or profit *and that such* [, which] disability is a result of bodily injury or disease [,] and that such incapacity is *deemed* [likely] to be permanent.

Section 10. Section 61.605 of the Kentucky Revised Statutes is amended to read as follows:

Upon disability retirement, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability *but the amount of the retirement allowance so determined shall be reduced to reflect the commencement of benefits prior to his normal retirement date* except that the amount of such annual retirement allowance *shall not be reduced if the disability occurred in the performance of duty. The annual retirement allowance of* [for] a member with ten or more years of service, at least one of which is current service, shall not be less than $480 [; provided, that if such sum is greater than fifty-two percent of final compensation, the annual retirement allowance shall be fifty-two percent of final compensation. All members now retired because of disability shall have their retirement allowance recomputed on July 1, 1962, in accordance with the formula then in effect; provided, that the annual retirement allowance of a member retired prior to this date shall not be decreased].

Section 11. Section 61.625 of the Kentucky Revised Statutes is amended to read as follows:

If a *member's employment has been terminated for a period of thirty consecutive days or if the member has remained in a layoff, seasonal, emergency, temporary or part-time status for a period of ninety consecutive days,* [member has ceased to be an employe] he, if living, if not, his designated beneficiary, shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received in lieu of any other benefits due under any of the provisions of KRS 61.510 to 61.700.

Section 12. Section 61.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a member *in the active employment of a participating agency or on official leave from such agency, provided such leave has been granted in accordance with the policy of the State Department of Personnel, with the minimum service credit prescribed in Section 15 of this Act* [, eligible to retire on benefits payable as provided in subsection (1) or (2) of KRS 61.590,] dies at any time before *the first* retirement *allowance payment has been drawn by the State Treasurer* and has on file with the board at the time of his death a written designation of a beneficiary, who is the spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive an annual benefit payable monthly *commencing in the month following the member's death* which shall be *equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at date of his death, had the member been eligible for retirement and had he chosen benefits payable under KRS 61.635 (2)* [equal in amount to the benefit that would have been paid had the member retired immediately prior to his date of death and elected Option (a) as provided in KRS 61.635] or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty months certain.

*(2) If a member, not in the active employment of a participating agency nor on official leave from such agency with twenty or more years of service credit at least five of which are current service, dies at any time before the first retirement allowance payment has been drawn by the State Treasurer and has on file with the board at the time of his death a written designation of a beneficiary who is the spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive an annual benefit payable monthly commencing in the month following the member's death which shall be equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at date of his death, had the member been eligible for retirement and had he chosen benefits payable under*

*KRS 61.635 (2) or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty months certain.*

[(2) If a member in service with fifteen or more years of service, at least one of which is current service, dies at any time before his fifty-fifth birthday and has on file with the board at the time of his death a written designation of a beneficiary, who is the spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive a monthly payment commencing in the month following the member's death and payable for one hundred twenty months certain. Such benefit payments shall be actuarially equivalent to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at the date of his death, had the member been eligible for retirement and had he chosen benefits payable under KRS 61.635 (2).]

Section 13. Section 61.650 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall be the trustee of the several funds created by KRS 61.510 to 61.700 and shall have full power to invest and reinvest such funds, subject to the limitations that no investments shall be made except upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state. Subject to such limitations, the board shall have full power to hold, purchase, sell, assign, transfer or dispose of, any of the securities or investments in which any of the funds created herein have been invested, as well as of the proceeds of such investments and any monies belonging to such funds.

*(2) All registered securities in the fund created by KRS 61.510 to 61.700 shall be registered in the name "Kentucky Employes Retirement System of the Commonwealth of Kentucky" and every change in registration, by reason of sale or assignment of such securities, shall be acomplished by the signatures of the Chairman and Executive Secretary of the Board of Trustees.*

(3) [(2)] The board, in keeping with its responsibility as trustee and wherever feasible, shall give priority to the invest-

ment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth. Subject to the authority granted in this section, the board may invest funds of the Kentucky Employes Retirement System, the County Employes Retirement System and the State Police Retirement System in the obligations of the Kentucky Industrial Development Finance Authority.

*(4)* [3)] It is declared to be the policy of the Commonwealth to promote the mutual investment of the funds of the retirement sytems administered by the Board of Trustees established under KRS 61.645, and such other public retirement systems as may wish to cooperate, and also, where practicable, to encourage the retention of capital funds within this state and region. In furtherance of this policy the Board of Trustees is empowered to incorporate or otherwise establish, either with or without the cooperation of other public retirement sytems, such an organization, or organizations (corporate, trust, or otherwise) as may be desirable to secure the mutual investment of the funds of the systems under its control, and such other public systems as may wish to join, and to promote the policies herein described. Such corporation or other organization shall be deemed a governmental agency, organized for a governmental purpose and not for private profit, and its articles of incorporation, trust indenture or other controlling document shall provide that it shall function under the control of its board of directors or trustees for the purposes and under the limitations established by this statute and by the aforesaid articles of incorporation, trust indenture or other controlling document. Such board of directors or trustees shall be elected not more frequently than once yearly by the votes of the chief administrative officers of the retirement systems which are members of the organization, casting their ballots in accordance with the directors of their respective boards of trustees, and each system shall have a vote or votes in proportion to its investment. Members of the boards of trustees of the investing systems shall be eligible to serve on the board of directors or trustees of the corporation or trust organization formed under this section, and at least one-half of those so selected shall be members of the board of the system which they represent.

Section 14. Section 61.660 of the Kentucky Revised Statutes is amended to read as follows:

The State Treasurer shall be the custodian of the fund created by KRS 61.510 to 61.700 and he shall be responsible on an official surety bond for all cash and securities in his custody. [All registered securities in the fund created by KRS 61.510 to 61.700 shall be registered in the name "Kentucky Employes Retirement System of the Commonwealth of Kentucky" and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signature of the State Treasurer, and securities shall be delivered by him when directed so to do by resolution of the board.] All payments from said fund shall be made by him on warrants issued *by the Department of Finance* [upon orders signed by such person as is designated for the purpose by the board. A duly attested copy of a resolution of the board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commissioner of Finance as his authority for issuing warrants upon such orders. No order shall be signed unless it has previously been authorized by the board, which authorization shall be recorded on the records of the board].

Section 15. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The minimum service credit for a member who earns a month of service credit in the month he becomes 65 years of age or in some month thereafter, shall be forty-eight months at least twelve of which are current service.

(2) The minimum service credit for a member who does not earn a month of service credit in the month he becomes 65 years of age or in some month thereafter, shall be one hundred and eighty months at least twelve of which are current service. Notwithstanding the provisions of this subsection, the minimum of one hundred and eighty months shall be decreased by one month for each month that the member's current service exceeds twelve.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Each member shall designate a principal beneficiary and may designate a contingent beneficiary. This designation shall remain in full force and effect until changed by the member.

(2) In the event the death of the principal beneficiary precedes the death of the member, the contingent beneficiary becomes the principal beneficiary provided the member has not filed a Notification of Retirement with the board.

(3) The beneficiary designated by the member on his Notification of Retirement supersedes the designation of any previous beneficiary. If the death of this beneficiary precedes the date the first benefit payment has been drawn by the State Treasurer, the member may designate another beneficiary.

(4) A member shall not have the right to change his beneficiary after the first benefit payment has been drawn by the State Treasurer. Upon the death of or subsequent divorce from any person designated as beneficiary on this date, the estate of the member becomes the beneficiary.

Section 17. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) A member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.700 and who is re-employed by a participating agency, shall have his retirement payments suspended for the duration of such re-employment. The payments shall be suspended at the beginning of the month in which the re-employment occurs.

(2) Employer and employee contributions shall not be made on the compensation paid during such re-employment and the member shall not be credited with additional service credit.

(3) In the month following the termination of re-employment, retirement allowance payments shall be reinstated under the Plan the member was receiving payments prior to re-employment.

(4) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member who

receives less than $1500 in compensation from participating agencies during any calendar year of re-employment.

Section 18. A new section of the Kentucky Revised Statutes is created to read as follows:

A person receiving a monthly retirement payment under the Kentucky Employes Retirement System Act, shall be entitled to have his benefits recomputed on July 1, 1966, in accordance with the formulas then in effect, provided the retired member has the minimum service credit prescribed in Section 15 of this Act but his annual retirement allowance shall not be decreased.

Section 19. This Act shall become effective on July 1, 1966.

**HB 311**, AN ACT relating to aid to dependent children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) No mother who gives birth to more than two illegitimate children after the effective date of this Act shall receive aid for such children from any agency of the Commonwealth of Kentucky.

(2) The parental rights to children who are not entitled to aid under subsection (1) of this Act may be terminated pursuant to the provisions of KRS 199.600 to 199.630, and the child declared to be a ward of the state to be cared for as provided by law.

Section 2. This Act shall become operative March 1, 1967.

**SR 15**, A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a continuing and comprehensive study of the state and local tax structure and the administration thereof, and to report the findings and results of the initial study to the 1968 General Assembly.

WHEREAS, all property in Kentucky now is to be assessed at one hundred percent of its fair cash value; and

WHEREAS, the population growth and need for higher quality education places an increasing demand for additional school revenue; and

WHEREAS, costs of maintaining, operating, and expanding school facilities and of adequately compensating teachers and other school personnel have greatly increased and will probably continue to increase in the future; and

WHEREAS, the local school tax revenue has not kept pace with the increasing demands of Commonwealth's educational system; and

WHEREAS, local school tax sources may not be providing the amount of revenue which they should;

NOW, THEREFORE,

*Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That the Legislative Research Commission shall conduct a continuing and comprehensive study of the state and local tax structure and the administration thereof; the initial findings and results of which shall be reported to the 1968 General Assembly.

Section 2. That in the conduct of this study cognizance be taken of the resolutions adopted in the First Extraordinary Session, 1965.

Section 3. That the Department of Revenue, the Department of Education, the Department of Finance, and all other State agencies having information related to the problem shall cooperate with the Legislative Research Commission in its conduct of this study.

Section 4. That, in the conduct of this study, the Director of the Legislative Research Commission is authorized to secure such assistance as may be necessary from both public and private institutions of higher learning in the Commonwealth.

Section 5. That the study shall include all alternative methods of taxation and the administration thereof which could provide a flexible base for the local school tax.

Section 6. That methods of taxation and administration in other states be investigated and compare to the Commonwealth's system of taxation.

**SB 62**, AN ACT relating to the use of certified mail.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

Any agency of state government which is required by any provision of the Kentucky Revised Statutes to use registered mail to post, forward, or otherwise send any summons, petition, notice, or other matter of any nature whatsoever may instead use certified mail when in the judgment of such agency the same purpose would be accomplished by the use of certified mail. In making the determination as to the type of mail to use, an essential inquiry will be whether or not the matter to be sent has any monetary value.

The Committee on Insurance reported **HB 81** and **HB 150** with the expression of opinion that the same should not pass.

The Committee on Insurance reported **HB 217** and **HB 245** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 217**, AN ACT relating to creation of and investment in wholly owned subsidiaries by domestic mutual insurers or domestic stock insurers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 304.069 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this section, an insurer which otherwise qualifies therefor may be authorized to transact any one or more kinds of insurance as defined in KRS 304.340 to 304.356.

(2) A life insurer shall transact, in addition, only disability insurance, except that any life insurer which immediately prior to September 1, 1950, held a certificate of authority to transact in this state certain kinds of insurance in addition to life and disability insurance, may continue to be so authorized by

the commissioner. A reciprocal or Lloyd's insurer shall not transact life insurance.

(3) A title insurer shall transact no additional kind of insurance and shall not have stock control of or have its stock controlled by any insurer authorized to transact any kind of insurance other than title insurance, except that an insurer which immediately prior to June 16, 1960, held a certificate of authority to transact title insurance in this state shall continue to be so authorized by the commissioner.

(4) Subject to the limitations of subection (3) of this section, a life insurer, *domestic mutual insurer, or domestic stock insurer* may create wholly owned subsidiaries for the purpose of transacting any one or more of the kinds of insurance, (including life insurance) as defined in KRS 304.340 to 304.356, and, subject to such limitations, a life insurer, *domestic mutual insurer, or domestic stock insurer* may acquire securities of other insurers authorized to transact any one or more of such kinds of insurance.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Any domestic mutual insurer or domestic stock insurer, except life insurer, may invest not in excess of fifteen per cent of its assets in the formation of wholly owned subsidiaries as authorized by KRS 304.069.

**HB 245**, AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.099 is amended to read:

(1) Except as provided in KRS 304.103, all bonds and policies covering subjects of insurance located or to be performed in this state which are placed by or through a licensed nonresident agent shall be countersigned by a duly licensed resident agent of the insurer.

(2) The countersigning resident agent and the non-resident agent shall share [equally] in the commissions derived from all policies and bonds requiring countersigning by this section *as*

*previously agreed upon, with the countersigning agent receiving not less than 5% commission on all policies and 50% of the commissions on all bonds.*

The Committee on Insurance reported **HB 264** with the expression of opinion that the same should not pass.

The Committee on Insurance reported **HB 293** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 293**, AN ACT relating to automobile auctions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any person or corporation engaged in the business of selling automobiles at public auction shall before conducting such business be required to make a surety bond executed by a surety company authorized to do business in this state in the sum of thirty thousand dollars payable to the Commonwealth for the benefit of any owner whose automobile is sold at such sale and conditioned that such person or corporation shall faithfully perform such sale and account to the owner any sums of money owing to him by reason of such sale. Such bond or a certified copy thereof shall be filed with county clerk in the county where such sales are conducted.

Section 2. (1) Any person who fails to make the bond required by Section 1 of this Act shall be fined not less than five hundred dollars nor more than two thousand dollars or imprisoned for not less than six months nor more than twelve months or both.

(2) Any corporation who fails to make the bond required by Section 1 of this Act shall be fined not less than one thousand dollars nor more than three thousand dollars.

The Committee on Railroads reported **HB 287, HB 288**, and **HB 322** with the expression of opinion that the same should not pass.

The Committee on Mines and Minerals reported **HB 246** and **HB 279** with the expression of opinion that the same should not pass.

The Committee on Insurance reported **HB 300** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 300**, AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

(1) Where a person applying for insurance was examined by the insurance company's medical examiner, and reported by him to be a fit subject for insurance, the company is estopped, except in case of fraud or deceit, from setting up in defense to an action that the insured was not in a condition of good health when the policy was issued.

(2) If the medical examiner of an insurance company shall issue a certificate of health or declare an applicant a fit subject for insurance, or so report to the insurer or its agents under the rules of the company, it shall thereby be estopped from setting up the defense that the insured was not in the condition of health required by the policy, unless the same was procured through the fraud or deceit of the insured.

## Calendar

**HB 6, HB 134** with Committee Substitute attached thereto, **HB 187, HB 256, HB 290, HB 269, HB 278, HB 236, HB 40, HB 243, HB 324** with committee amendment attached thereto, **HB 206, HB 200, HB 163** with committee amendment attached thereto, **HB 234, HB 240, HB 250, HB 289** and **HB 308** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Orders of the Day

**HB 100,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBrayer moved the adoption of Committee Substitute to **HB 100.** Agreed.

Representative DeMarcus moved the adoption of an amendment to **HB 100.**

Representative John Y. Brown moved that **HB 100** be recommitted to the Committee on Public Health.

On the roll call the vote was yeas 39—Allen, Bates, Billings, Blume, Bondurant, John Y. Brown, Chapman, Chaudoin, Cox, Criscillis, DeMarcus, Denham, Floyd, Henry, Hinkle, Hoe, Hoffman, Hopkins, Irick, Isler, Jordan, King, Leeds, Majors, McNamara, John D. Miller, Osborn, Ostertag, Peniston, Pettit, Russell Reynolds, Riddle, Sheehan, Short, Smothers, Straney, Vanover, Wallace, Warders. Nays 12—Ball, Bicknell, Bruce, Buky, Hale, Harper, Howard P. Hunt, Jr., Kessinger, McCowan, Russell, Secrest, Whitlock.

**HB 100** was recommitted to the Committee on Public Health.

**HB 86** as amended was taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative John Y. Brown moved that **HB 86** as amended be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 39—Allen, Barber, Bates, Billings, Blume, Bondurant, Bourne, John Y. Brown, Buky, Chapman, Chaudoin, Cox, Criscillis, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Jordan, King, Leeds, Majors, McNamara, Osborn, Ostertag, Peniston, Pettit, Pile, Russell Reynolds, Short, Smothers, Tucker, Vanover, Watkins, Wheeler. Nays 11—Arnett, Ball, Ballenger, Bicknell, Kessinger, McBrayer, McCowan, John D. Miller, Peace, Riddle, Warders.

The motion that **HB 86** as amended be deferred and that it retain its position in Orders of the Day was adopted.

Representative John Y. Brown moved that consideration of **HB 88, HB 91, HB 188,** and **HB 8** be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative Arnett moved that the House adjourn until 4:00 p.m., Wednesday, February 23, 1966.

On the roll call the vote was yeas 31—Allen, Arnett, Barber, Bicknell, Billings, Blythe, Bondurant, John Y. Brown, Bruce, Chaudoin, Clark, Floyd, Hale, Hardin, Henry, Hinkle, Hoffman, Irick, Kelly, McIntyre, McNamara, Peace, Peniston, Pile, Sartin, Secrest, Sheehan, Short, Smothers, Wallace, Watkins. Nays 29—Ball, Ballenger, Bates, Buky, Caldwell, Cox, DeMarcus, Denham, Eicher, Harper, Hoe, Isler, Jordan, Kessinger, Leeds, McBrayer, McCowan, John D. Miller, Osborn, Ostertag, Russell Reynolds, Riddle, Roberts, Russell, Tucker, Vanover, Warders, Wells, Wright.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 23, 1966

## FORTIETH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend Charles Eubank Tucker, Zion Methodist Church, Louisville, Kentucky.

The roll was called. All present except Representatives Ballenger, Chaudoin, Floyd, Hoffman, Howard P. Hunt, Jr., Jones, Jordan, Leeds, Clarence R. Miller, Sheehan and Whitlock.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 18, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 429**, by Representatives Barber and Hoe: AN ACT relating to Alcoholic Beverages.

**HB 430**, by Representatives John D. Miller, Hoffman and McBrayer: AN ACT relating to uniform administrative procedure.

**HB 431**, by Representatives Stuart, Hoe and Ballenger; AN ACT relating to sewers and drains.

**HB 432**, by Representatives Stuart, Hoe and Ballenger: AN ACT relating to sewers and drains.

**HB 433**, by Representative Hoffman: AN ACT relating to the sale of municipal waterworks systems of cities to water districts.

**HB 434**, by Representative Blume: AN ACT relating to revenue and taxation.

**HB 435**, by Representative Howard P. Hunt: AN ACT relating to motor vehicle licensing.

**HB 436**, by Representative Criscillis: AN ACT relating to candidates for election to public office.

**HB 437**, by Representative John D. Miller: AN ACT relating to finance and revenue in cities other than cities of the first class.

**HB 438**, by Representative John D. Miller: AN ACT providing for an electrical code.

**HB 439**, by Representative Maddox: AN ACT relating to the sale of farm products grown on state owned land.

**HB 440**, by Representatives Short and Clark: AN ACT relating to motor vehicle brake linings.

**HB 441**, by Representative Murphy: AN ACT relating to jurors.

**HB 442**, by Representative John Y. Brown: AN ACT relating to actions against the Commonwealth of Kentucky arising out of its contracts.

**HB 443**, by Representatives Buky, Wright and Johnson: AN ACT providing for payment for the removal and relocation of facilities owned by a municipality or a municipally owned utility.

**HB 444**, by Representative Irick: AN ACT relating to auto liability insurance.

**HB 445**, by Representative Irick: AN ACT relating to advance fees of circuit clerks.

**HB 446**, by Representative Pettit: AN ACT relating to the coercion, or attempted coercion, of wholesale beer distributors. relating to the education of exceptional children, including the mentally retarded.

**HB 447**, by Representatives Pettit and Harper: AN ACT relating to the education of exceptional children, including the mentally retarded.

**HB 448**, by Representative Roberts: AN ACT relating to plumbing.

**HB 449**, by Representatives Arnett, Maddox, Lassiter, Martin, Smith, McNamara, Hinkle, Hoe, Osborn, W. J. Reynolds, Jr., Webster and Harper: AN ACT relating to elections.

**HB 450**, by Representative Dempsey: AN ACT relating to school districts.

**HB 451**, by Representatives Stuart and Riddle: AN ACT relating to cities and counties.

**HB 452**, by Representatives Hardin, Murphy and Hoe: AN ACT relating to the State Plumbing Code.

**HB 453**, by Representatives Johnson and Buky: AN ACT relating to the investment of State funds.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture: **HB 418.**

Appropriations: **HB 362, HB 370, HB 371, HB 372, HB 376, HB 387** and **HB 408.**

Banks and Banking: **SB 63.**

County Government: **HB 348, HB 349, HB 361, HB 378, HB 422** and **HB 347.**

Courts and Legal Procedure: **HB 364, HB 365, HB 373, HB 400** and **HB 401.**

Criminal Law: **HB 393, HB 394, HB 397, HB 420, HB 421** and **HR 73.**

Drainage and Water Districts: **HB 377.**

Education: **HB 358, HB 368, HB 403, HB 419, HB 427, HB 428, HR 74** and **HR 81.**

Elections: **HB 367, HB 388, HB 398, HB 410** and **HB 411.**

Governmental Affairs: **HB 355** and **HR 83.**

Higher Education: **HB 354.**

Insurance: **HB 353, HB 374, HB 392, HB 404** and **HB 405.**

Kentucky Statutes # 1: **HB 356, HB 379, HB 390** and **HB 413.**

Kentucky Statutes # 2: **HB 359, HB 369** and **HB 383.**

Kentucky Statutes # 3: **HB 375, HB 381, HB 425** and **HB 426.**

Labor: **HB 345** and **HB 389.**

Legislative Affairs: **HR 71.**

Motor Transportation: **HB 350, HB 357, HB 360, HB 366, HB 399, HB 406, HB 412, HB 414** and **HB 415.**

Municipalities: **HB 351, HB 352, HB 386, HB 391** and **HB 402.**

Penal and Reformatory Institutions: **HR 86.**

Public Health: **HB 385** and **HR 76.**

Revenue and Taxation: **HB 346, HB 363, HB 380, HB 409, HB 417, HB 423, HB 424** and **HR 82.**

Roads and Highways: **HB 384.**

State Fair: **HB 395** and **HB 396.**

State Parks: **HB 407** and **HR 70.**

Ways and Means: **HB 382** and **HB 416.**

Representative John Y. Brown moved that the House invite the Governor and Senate for a Joint Session, subject of School Commission, at 8:30 p.m. today. Agreed.

## Recess

Representative Peniston moved that the House recess for 15 minutes for Democratic caucus. Agreed.

Representative Ball called Republican caucus during recess.

At the appointed hour, the Speaker resumed the Chair and called the House to Order.

## Motions, Petitions, and Communications

Representative Osborn moved that **HB 268** be taken from Orders of the Day and recommitted to the Committee on Public Health. Agreed.

**HR 87,** by Representative Cox: A RESOLUTION commending and expressing appreciation to the Goodyear Tire and Rubber Company for locating its shoe products plant in Madisonville.

WHEREAS, Mr. Russell DeYoung, Chairman of the

Board of the Goodyear Tire and Rubber Company, through Mr. William M. Cox, Executive Vice President of the Madisonville Chamber of Commerce, has announced the decision of the Company to establish a multimillion dollar shoe products plant at Madisonville, Kentucky; and

WHEREAS, the plant, with its anticipated employment, will contribute immeasurably to the industrial well-being and continued expanding economy of the entire community; and

WHEREAS, the selection of Madisonville as a site for the production facility was, to a large degree, determined by the excellent industrial climate which prevails in Kentucky; and

WHEREAS, Mr. DeYoung expressed his gratification and appreciation of the outstanding cooperative attitude of the industrial leaders with whom he worked, and which contributed greatly to the final choice of location; and

WHEREAS, the entire community is grateful to the Goodyear Tire and Rubber Company for its decision to locate in Madisonville and appreciated the opportunity afforded to work for and with the officials of the Company in its plans.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives take this means of expressing its deep appreciation and gratitude to the Goodyear Tire and Rubber Company in selecting Madisonville and Kentucky as the location for the construction of its shoe products plant.

Section 2. That the cooperative attitude and untiring efforts of industrial leaders of Madisonville is deserving of an expression of appreciation by the members of the House of Representatives, on behalf of the entire state, in recognition of their participation in obtaining its plant's location.

Section 3. That special recognition be given to the dedicated efforts, in working out the local details that paved the way for the decision of the Company, of, among others: Dr.

Loman Trover, Mayor David Parish, Bill Corum, the late Harper Gatton, William A. Nisbet, James Baker, Edgar Arnold, Jr., and Raymond G. Pearce.

Section 4. That the Clerk of the House of Representatives be directed to forward a copy of this resolution to Mr. Russell DeYoung, Chairman of the Board, Goodyear Tire and Rubber Company, Akron, Ohio.

Representative Cox moved the adoption of **HB 87.** Agreed.

**HR 88**, by Representative Dempsey: A RESOLUTION relating to school board members.

Representative Johnson moved the adoption of **HR 88.**

Representative Wright moved that **HR 88** be referred to the Committee on Committees.

On the roll call the vote was yeas 26—Allen, Blythe, Bourne, Edward G. Brown, Buky, Clapp, Clark, Hale, Harper, Harris, Hinkle, Hopkins, Irick, Maddox, McBrayer, McNamara, John D. Miller, Murphy, Ostertag, Riddle, Russell, Sartin, Smothers, Tucker, Vanover, Wright. Nays 9—Ball, Billings, Blume, DeMarcus, Dempsey, Howard P. Hunt, Jr., Johnson, Peniston, Warders.

The motion that **HR 88** be referred to the Committee on Committees was adopted.

Representative McBrayer moved that **HB 286** be taken from Orders of the Day and recommitted to the Committee on Courts and Legal Procedure.

Representative McBrayer withdrew his motion.

## Report of Committees

The Committee on Governmental Affairs reported **HB 95** with Committee amendment attached thereto and **HB 99** with Committee amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 95**, AN ACT relating to the designation of state purchased books as property of the state.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 57.370 of the Kentucky Revised Statutes is amended to read as follows:

*When deemed by the Director of Purchases to be desirable or necessary consistent with all relevant factors concerning acquisition and use,* all public books of the state [, including the Kentucky Reports,] shall be designated as public property by placing on the title page, "Property of the State of Kentucky," and the binder shall press those words on the cover. *The words, "Property of the Commonwealth of Kentucky," may also be used for such purpose.* Each officer who *is charged with possession of* [receives] books *acquired* under this chapter shall write *or otherwise designate* in *or on* each book the name of the office to which it belongs, *if such books are to be retained permanently by such officer or his agency.*

Committee amendment to **HB 95** is as follows:

Amend printed copy of House Bill 95 on page 2, by:

A new section to Chapter 57 of the Kentucky Revised Statutes is added to read as follows:

*"All public documents printed under this chapter shall indicate the office of the unit preparing the document; in addition, any document distributed without charge shall indicate that the cost of printing was paid from state funds."*

**HB 99**, AN ACT relating to the purchasing requirements and procedures of the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 45.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Director of Purchases, under the direction of the Commissioner of Finance, shall purchase, or shall delegate and control the purchase of, the combined requirements of all spend-

ing agencies of the state *including, but not limited to, interests in real property,* [for] contractual services, rentals of all types, supplies, materials, equipment, and services, except that competitive bids may not be required.

(a) For contractual services where no competition exists, such as telephone service, electrical energy, and other public utility services;

(b) When in the judgment of the Director of Purchases food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies can be purchased otherwise to the best advantage of the state; and instructional materials available from only one source;

(c) Where rates are fixed by law or ordinance;

(d) For library books;

(e) For commercial items that are purchased for resale; [and]

(f) For professional, technical, or artistic services [.] (Contracts exempted by this provision shall be referred to the Department of Personnel for review and approval. *); and*

*(g) For all other commodities, equipment, and services which, in the reasonable discretion of the Director of Purchases, are available from only one source.*

*(h) Interests in real property.*

*Nothing in KRS 45.360 shall deprive the Division of Purchases from negotiating with vendors who maintain a General Service Administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between General Service Administration and the vendor affected.*

(2) The Division of Purchases shall have supervision over all purchases by the various spending agencies, except as otherwise provided by law, and shall prescribe rules and regulations to govern purchasing by or for all such agencies, subject to the approval of the Commissioner of Finance, and shall publish a manual of procedures to be distributed to agencies and to be

revised upon issuance of amendments to such procedures. No purchase or contract shall be binding on the state or any agency thereof unless approved by the division or made under general regulations which the Department of Finance may prescribe.

(3) The Division of Purchases shall adopt regulations to require agencies to take and maintain inventories of plant and equipment. The Division of Purchases shall conduct periodic physical audits of inventories.

(4) The Director of Purchases shall require all agencies to furnish an estimate of specific needs for supplies, materials, and equipment to be purchased by competitive bidding for the purpose of permitting scheduling of purchasing in large volume. He shall establish and enforce schedules for purchasing supplies, materials, and equipment. In addition, all agencies shall submit to the Director of Purchases prior to the beginning of each fiscal year an estimate of all needs for supplies, materials, and equipment during that year which will have to be acquired through competitve bidding.

(5) The Division of Purchases shall have power, with the approval of the Commissioner of Finance, to transfer between departments, to salvage, to exchange, and to condemn supplies, equipment, and real property.

(6) The Division of Purchases shall sell *or otherwise dispose of* all property (including *any interest in real property* [real estate] of the state *which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the Commissioner of Finance* [determined, with the approval of the Commissioner of Finance and the Governor, not to be needed for public use or to have become unsuitable for such use]. *The determination of the Commissioner of Finance shall be set forth in an order, and shall be reached only after review of a written request by the agency desiring to dispose of the property. Such request shall describe the property and state the reasons why the agency believes disposal should be effected.* All *instruments required by law to be recorded which convey any interest in any such real property so disposed of* [deeds covering the sale of real estate] shall be executed and signed by the Commissioner of

Finance and approved [and signed] by the Governor. Unless the Commissioer of Finance deems it in the best interest of the state to proceed otherwise, all *such* [sales of] property *(including any interests in* real *property* [estate] shall *be sold* either by invitation of sealed bids or by public auction, *provided however that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the Department of Revenue.*

(7) Except as provided in KRS Chapters 175, 176, 177 and 180, the Division of Purchases shall purchase *or otherwise acquire* all real property determined to be needed for state use, upon the approval of the Commissioner of Finance [and the Governor] as to the determination of need and as to the action of purchase *or other acquisition,* provided that the amount paid shall not exceed the appraised value as determined by the Department of Revenue, *Department of Highways (for such requirements of that Department),* or value set by eminent domain procedure.

*(8) Real property or any interest therein may be purchased, leased, or otherwise acquired from any officer or employe of any agency of the state upon a finding by the Division of Purchases, based upon a written application by the head of the agency requesting the purchase, and approved by the Commissioner of Finance and the Governor, that the employe has not either himself or through any other person influenced or attempted to influence either the agency requesting the purchase of the property or the Division of Purchases in connection with such acquisition. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the Secretary of State along with the other documents recorded pursuant to the provisions of KRS Chapter 56.*

*(9)* [8] The Division of Purchases shall maintain records of all purchases and sales made under its authority and shall make periodic summary reports of all transactions to the Commissioner of Finance, the Governor, and the General Assembly. The division shall also report trends in costs and prices, including savings realized through improved practices, to the above authorities.

*(10)* [9] The Director of the Division of Purchases shall

attempt in every practicable way to insure the state's supplying its real needs at the lowest possible cost.

Section 2. Section 45.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) All persons, firms, or corporations who desire to bid on and furnish any of the materials, supplies, or equipment usually purchased by the Division of Purchases may at any time file with the division its or their name or names, together with the character and kind of such materials, supplies, and equipment which it or they may desire to bid on and furnish, and such names shall be placed on the list of bidders applicable to such commodities as they desire to bid on and furnish. *For identification purposes, the Division of Purchases may use any code system to identify prospective bidders which the Division of Purchases finds is necessary and in the best interests of the Commonwealth of Kentucky.* Prior to such listing, however, the Director of Purchases shall verify the qualifications of prospective bidders in terms of:

(a) Ability, capacity, and skill of the bidder to perform on a timely basis under contract for goods and services which he desires to bid on and furnish;

(b) Character, integrity, reputation, and experience of the bidder;

(c) Performance in previous dealings with the Commondealth of Kentucky and other governmental agencies or private business concerns; and

(d) *Compliance with the health rules and regulations of the Commonwealth of Kentucky.* [Qualification with the Department of Revenue as a registered sales or use tax permit holder.]

(2) Subject to the right of appeal by the prospective bidder to the Commissioner of Finance, hte Director of Purchases may refuse to list any prospective bidder *for any one of the following reasons:*

*(a) Failure to meet minimum qualifications;*

*(b) Failure to post bid or performance bonds as the Director of Purchases may require either at the time of submission of bids or prior to award of contract;*

*(c) Substitution of commodities or equipment without approval in writing from the Division of Purchases;*

*(d) Failure to meet delivery conditions specified in the bid;*

*(e) Failure to replace inferior or defective materials, equipment, or supplies immediately;*

*(f) Failure to respond to three invitations received;*

*(g) Falsifying invoices;*

*(h) Collusion or collaboration on Commonwealth Invitations to Bid;*

*(i) Falsifying information on the "Application to be Placed on Vendor's List";*

*(j) Refusal to accept a contract award as provided in the bid;*

*(k) Failure to submit the Kentucky sales-use tax reports or failure to remit sales-use or income taxes assessed by the Department of Revenue; and*

*(l) Any other conduct by the bidder which the Director of Purchases would find detrimental to the best interest of the State.* [not meeting minimum qualifications and may remove from the list of bidders any bidders who consistently fail to respond to invitations to bid or who fail to perform satisfactorily after having been awarded a contract. To insure performance the Director of Purchases may require that bidders furnish performance bond either at the time of submission of bids or prior to award of contract.]

(3) The Division of Purchases and using agencies shall employ the lists of bidders and other sources of information in such a way as to foster the highest level of sound competition when invitations to bid are issued as required by this section. In the event that there are more than ten bidders on the list applicable to a given commodity, at least ten of those listed shall be issued invitations when competitive bidding is required by this section in the purchase of said commodity, and any additional qualified bidders, whether or not they were issued invitations, may request invitations and shall be afforded the opportunity to submit a bid. In addition, the division shall solicit bids by publi-

cation in two newspapers of general circulation in the state to be determined and designated by the Commissioner of Finance. The notice to be published shall contain a general description of items to be purchased or sold; the date, time and location on and at which bids will be opened; and the location from which the list of items, terms, and specifications can be obtained. For purposes of advertising in newspapers, a detailed listing of items shall not be necessary.

(4) The Division of Purchases shall require the formal invitation of sealed written bids on all purchases, except as provided in KRS 42.061, [and] 45.360, *and 45.400*, for which the gross amount is estimated to exceed *two thousand* [three hundred] dollars *for building renovation and repair or $1,000 for other transactions.* The division shall designate by regulation the manner, which manner may include the taking of sealed competitive bids, in which all purchases less than *these* [this] *amounts* [amount] shall be made. In all cases where the division requires competitive *quotations* [bidding], a record shall be kept of all quotations solicited and received.

(5) An agency shall not split or parcel purchases over a period of time for the purpose of evading competitive bidding. In any case in which purchases are so split or parceled, the agency head shall be personally liable for the amount by which the total amount purchased exceeds the amount authorized to be purchased.

(6) *For any purchase in which the estimated price exceeds two thousand dollars, invitations* [Invitations] to bid shall be *postmarked* [mailed] at least fourteen days before the day set for opening. *For any purchase in which the estimated price does not exceed two thousand dollars, invitations to bid shall be postmarked at least seven days before the day set for opening.* Said invitations shall state the time and place of receiving and opening of bids and any other information the division deems in the best interest of the state. Wherever possible items should be described by standard specifications. All said bids shall be made in writing and sealed and shall be opened and read publicly at the stated time. After due cosideration and a reasonable time the division shall award the contract to the lowest qualified bidder, unless in the discretion of the said division no satisfactory

bid had been received, in which event all bids may be rejected and new bids requested as provided by this section. Time discounts shall not be considered, except where fair trade commodities are involved.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

*45.395. The provisions of KRS 365.080 and KRS 365.090 shall not apply to sales made to the Commonwealth of Kentucky.*

Committee amendment to **HB 99** is as follows:

Amend printed copy of House Bill 99 on page 4, line 19, by:

Change the period to a comma, and add the following phrase: *"or Department of Highways for such requirements of that Department."*

On Page six, line 24, delete the words, "may refuse to list any prospective bidder", and substitute therefor the words, *"may remove any bidder"*.

On Page eight, line 22, delete the words, *"two thousand"* and substitute therefor, *"one thousand"*.

On line 23 of page eight, after the word *"repair"* and before the word *"or"* add *"(inclusive projects)"*; and for the figure *"$1,000"* substitute the figure *"$500"*.

## Calendar

**HB 133, SB 26, HB 169, HB 178, HB 208, HB 210, HB 249, HB 251, HB 311, SR 15, SB 62, HB 217, HB 245, HB 293** and **HB 300** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Orders of the Day

**HB 86** as amended taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative John D. Miller moved the adoption of the following amendment to **HB 86:**

Amend printed copy of House Bill 86 on page 2, line 21, by: inserting after the word "land" a semicolon *(;)* and adding thereafter the following phrase:

*"provided, however, that if the price to be paid by the Commonwealth for the land or interest in land to be purchased does not exceed $5,000, the agency for the use and benefit of which the land is being purchased, and not the grantor, shall be responsible for procurement and submission of the required abstract and map."*

Agreed.

Representative Clapp moved that **HB 86** as amended be laid on the table.

On the roll call the vote was yeas 39—Ball, Bartley, Bicknell, Billings, Blythe, Bourne, Brady, Archie Brown, Caldwell, Clapp, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hinkle, Hislope, Hoe, Howard P. Hunt, Jr., James E. Hunt, Irick, Kessinger, McCowan, Morgan, Peace, Pile, Riddle, Russell, Sartin, Secrest, Short, Smith, Stuart, Vanover, Wallace, Warders, Webster, Wright. Nays 29—Allen, Barber, Bates, Bondurant, E. G. Brown, John Y. Brown, Carroll, Chapman, Cox, Denham, Hale, Hardin, Henry, Hopkins, Isler, Keene, Kelly, King, Martin, McBrayer, John D. Miller, Osborn, Peniston, Pettit, Roberts, Sheehan, Siemens, Smothers, Tucker.

**HB 86** as amended was tabled.

**HB 88** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Allen, Arnett, Barber, Bartley, Bates, Billings, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clark, Cox, Criscillis, Denham, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Keene, Kessinger, Lassiter, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara,

John D. Miller, Murphy, Ostertag, Peace, Peniston, Pettit, Pile, Roberts, Russell, Secrest, Sheehan, Short, Siemens, Smith, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wheeler, White, Wright. Nays 2—Dempsey, Smothers.

**HB 88** was passed and the title agreed to.

**HB 91** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Allen, Arnett, Ball, Barber, Bates, Bicknell, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Keene, Kelly, Kessinger, King, Lassiter, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Murphy, Ostertag, Peace, Peniston, Pettit, Pile, Russell Reynolds, Russell, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, White, Wright, Young. Nays 0.

**HB 91** was passed and the title agreed to.

**HB 188** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the following amendment to **HB 188:**

Amend printed copy of House Bill 188 on page 244, line 22, by: inserting after said line the following:

Section 284. If any act to revise and correct the Kentucky Revised Statutes adopted during a session of the General Assembly

(1) Amends or repeals and re-enacts a statute section also amended or repealed and re-enacted by another act adopted

at the same session, then effect shall be given to both acts insofar as there is no conflict in substance. In the event of a conflict in substance between the acts, the nonrevisory act prevails to the extent of the conflict;

(2) Repeals an act amended by another act adopted at the same session, then such repeal has no effect;

(3) Amends or repeals and re-enacts a statute section repealed by another act adopted at the same session, the repeal of the section by the nonrevisory act prevails.

Section 285. Nothing in any act to revise and correct the Kentucky Revised Statutes adopted by the General Assembly shall be construed to effect any substantive change in the statute law of Kentucky and if any substantive change appears to be effected it shall be disregarded and the law as it existed prior to the effective date of the revisory act shall be given full force and effect.

Agreed.

On the roll call the vote was yeas 55—Allen, Arnett, Barber, Bates, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chapman, Clark, Cox, Criscillis, Denham, Eicher, Hale, Hardin, Harper, Henry, Hopkins, Irick, Isler, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Martin, McBrayer, John D. Miller, Ostertag, Peace, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Russell, Sartin, Sheehan, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Wallace, Warders, Webster, Wells, White. Nays 4—Bicknell, Dempsey, Hinkle, James E. Hunt.

**HB 188** as amended was passed and the title agreed to.

Representative John Y. Brown moved that consideration of **HB 8** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 125** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Russell moved the adoption of Committee amendment to **HB 125.** Agreed.

On the roll call the vote was yeas 84—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wheeler, White, Wright. Nays 0.

**HB 125** as amended was passed and the title agreed to.

## Recess

Representative John Y. Brown moved that the House recess until 8:00 p.m.

On the roll call the vote was yeas 41—Allen, Arnett, Barber, Bates, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Chapman, Clapp, Cox, Denham, Hinkle, Hopkins, Howard P. Hunt, Jr., Irick, Johnson, Keene, Kelly, King, Lassiter, Majors, McNamara, Osborn, Ostertag, Overman, Peniston, Roberts, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Tucker, Vanover, Webster, Wright. Nays 26—Ball, Bartley, Bicknell, Billings, Brady, Buky, Caldwell, Carroll, Clark, Criscillis, DeMarcus, Dempsey, Eicher, Floyd, Hale, Hoe, Jordan, Kessinger, McCowan, McIntyre, Peace, Pile, W. J. Reynolds, Jr., Riddle, Stuart, Wells.

The motion to recess was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Cox moved that the House be at ease awaiting the arrival of the Governor and Senate. Agreed.

The Speaker appointed Representatives Bondurant, DeMarcus and Hoffman as a Committee to join the Committee from

the Senate to wait upon the Governor and to escort him to the House Chamber.

**Joint Session**

The Speaker vacated the Chair, whereupon the Honorable Harry Lee Waterfield, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by the Reverend J. Carter Roberts of the Church of the Nazarene, Frankfort.

The Committee appointed to wait upon the Governor appeared with His Excellency, Edward T. Breathitt, Governor of the Commonwealth of Kentucky, who addressed the General Assembly as follows:

LIEUTENANT GOVERNOR WATERFIELD
MR. PRESIDENT PRO-TEM OF THE SENATE
MR. SPEAKER OF THE HOUSE
MEMBERS OF THE GENERAL ASSEMBLY.

More than four weeks ago, on January 21, I appointed a Commission to Help Education. I named myself as chairman of this Commission because I believe that the Governor of this Commonwealth has a basic responsibility for leadership in providing better educational opportunities for our young people.

In the budget which I submitted to your Bodies, my recommendation for increased educational appropriations was the largest sum which I could conscientiously recommend in the light of then-existing revenue estimates.

Those recommendations, taken with the increased appropriations which I recommended and which the 1964 General Assembly provided, made possible the second largest increase in teachers' salaries in any administration in the history of the Commonwealth—exceeded only by the increases provided in the administration of Governor Combs at the time when the three per cent sales tax became effective.

As a candidate for Governor in 1963, I made certain commitments and pledges to the children, parents, teachers and school administrators of Kentucky. Every promise, every com-

mitment which I made as a candidate has been met and more than met.

At the same time, as a candidate, I committed myself to oppose any new taxes or any increase in existing taxes by state government. That commitment, like all other pledges which I made, was public, open and unequivocal. Everyone who supported me and everyone who opposed me knew of that commitment—including the friends of education. That commitment also has been kept.

Despite this, some individuals—perhaps from honest misunderstanding, perhaps from a yearning to muddy political waters—have repeatedly sought to confuse and befuddle the people of Kentucky with respect to this promise. Let me repeat that my pledge was a pledge of opposition to new or increased state taxes. I did not promise that all property would be assessed, or continue to be assessed at valuations far below those prescribed by our state constitution.

I did not promise that no fiscal court, no city council, no local school board would change the rates or the forms of taxation at the local level. I could not have made this promise, because our fiscal courts, our city councils and our school boards are elected by the people of the various districts and they are not subject to the governor's dictation in the exercise of their independent powers.

On the contrary, both as a candidate for Governor and during the entire period of my administration, I have constantly emphasized the importance of a better balance between state and local contributions to the financing of our educational progress. When the Court of Appeals, members of which were all elected by the people and not a single one of whom was appointed by me, decided that the plain language of the constitution with respect to property assessments must be followed, I called a special session of the General Assembly to prevent the skyrocketing of local taxes as a result of the Court's decision.

At this special session, we achieved what seems to be—and I think to most of the thinking people of our state—a workable balance; legislation which on the one hand guarantees the taxpayer against punitive and crushing burdens, and on the other

hand made available substantial increases in local revenue for our local school districts if the elected members of our local school boards chose to avail themselves of it.

Let me remind you and the people of our state that the total additional resources made available to local school districts under the legislation enacted at the special session in 1965 could amount to almost $25 million dollars during the years 1966 and 1967. This, of course, is in addition to the increased funds provided in the budget which I recommended and which you have already enacted into law. Yet, I should be the first to admit that sometimes even our best is not good enough.

Despite all the efforts which we have made in recent years and which we have made in the recent budget to improve the lot of our teachers, we have still fallen behind other states which have also recognized the importance of well-qualified, well-paid teachers. Here in Kentucky, we have been increasing, and consistently increasing, teachers' salaries.

Most of this increase, indeed practically all of it, has come from state support, while at the same time local efforts has been lagging and dragging. In the percentage of state support for education Kentucky ranks 12th from the top among all the states but in the percentage of local support, we rank very low. I realize that even many of our school people are inclined to assume that it is easier to obtain additional funds on the state level and are disinclined to face the sometimes unpleasant task of seeking additional local support for educational progress.

For the long pull, we simply cannot afford to continue or to accentuate the imbalance between state and local support for education. We must revitalize a partnership between state and local government, with each shouldering a fair share of total educational cost.

These are the problems which faced our Commission: First, a dramatic and well-based demonstration of the inadequacies of current salary levels even after the increases provided in the 1966 budget. Second, the need for additional funds for capital outlay, in ending one-room schools, in providing new classrooms in areas of growing population and replacing obsolete buildings. Third,

an unbalanced fiscal situation as between state and local effort. And, fourth, a commitment by this administration against new taxes at the state level.

The Commission was made up of twenty outstanding Kentuckians; six members of the General Assembly, six educators, three of whom are classroom teachers and six representative citizens. Dr. Harry Sparks, our able Superintendent of Public Instruction, served as vice-chairman.

Our Commission undertook to determine, with as much thoroughness as possible in a short time, the adequacy of our existing salary schedules both in terms of overall salary and in terms of the proper incentive and reward for competent, experienced teachers. Second, the means available to finance such additional salary increases and expenditures for new classrooms and other operating costs as might prove necessary at this time.

The Commission has completed its labors, or at least the first phase of its labors and on behalf of the Commission I bring you their report and their recommendations tonight for your consideration. I believe that the recommendations which the Commission has made can and will bring about a remarkable improvement in Kentucky's school system, can and will mark a historical advancement in our educational progress.

The Commission has thoroughly reviewed teachers' salaries in Kentucky and has compared the salary levels with those prevailing in other states. Among all the states of the nation, we found that Kentucky ranks 46th in average annual salaries for our teachers. This situation we felt to be intolerable. It may be a long time before we attain front rank or even the national average in this respect, but we cannot be content with 46th place.

Furthermore, the Commission discovered that while we are first among all the states in the southeastern region in salaries for beginning teachers, we are next to the bottom even among southern states in average salaries.

The Commission, therefore, recommends substantial additional increases in teachers' salaries and especially a better break for our experienced and more highly trained teachers. The members of the Commission have recommended that, in addition to

the increases provided in the current budget, we appropriate $24 million dollars in the next biennium in order to provide, over a two year period, the amount requested by the KEA Delegate Assembly last December.

The Commission concluded that these funds would necessarily have to come primarily if not entirely from state revenue.

We have found that this can be done, that these salary increases can be provided out of anticipated current revenue from an economy expanded at a much faster rate than we had realized in December and early January, and by a speed up in the collection of corporation income taxes. I do not recommend that any part of this plan be financed at the expense of the teacher retirement benefits provided in House Bill 104 which I hope will be promptly passed.

Let me make it clear that these are not financial gimmicks, that our revenue estimates are as they have always been—carefully considered and not based upon political considerations or upon dictation from the governor. When I addressed you in January, our then-existing revenue estimates were based upon the situation as it appeared early in December.

Since that time, the pace of financial support for the war in Viet Nam has accelerated. Since that time, the President has submitted his budget to the Congress. Since that time, the National Council of Economic Advisors has revealed its prognosis for the national economy during the coming year. Since that time agency after agency and individual after individual, both public and private, have projected and predicted an economic growth for 1966 which is markedly in excess of what they had predicted and what we had anticipated.

On the basis of those estimates, together with the speed-up which I have mentioned before, I am prepared to recommend that you appropriate the additional sums recommended by our Commission to Help Education and I am prepared to give you my opinion that this can be done within the existing revenue structure.

Since our Department of Revenue was established in 1936, its staff and its personnel have earned and enjoyed a nationwide

reputation for care and accuracy in estimating the revenues. Two years ago, I based my budget, and the General Assembly based its budget, on the predictions and estimates of the Department of Revenue.

And there were those political scoffers who said that the estimates were padded and that the budget was a political makeshift. But the proof of the pudding is in the eating and the revenue estimates of 1964 have proved conservative and accurate. The budget of 1964 has proved to be a balance budget, and we shall end the current fiscal year with a surplus.

The change in estimates which has come since early December and on which our present recommendations are based is due to the quickened pace of our economy and to the moderate inflationary pressures which have been evident in recent months. All of us can be gratified that our teachers will obtain the full benefit of this stepped-up economic growth and that we can give them a well deserved, well earned overdue break out of the dividends from a dynamic economy.

Our Commission has not limited its recommendations to a request for more money for our teachers. The members of the Commission have unanimously agreed that quality education requires a change in the method of distributing appropriations to our school districts and in the method by which our salary scales are established.

We want two basic safeguards to assure that the money which you appropriate for salaries will in effect go to our teachers, and that money will have the greatest possible impact in improving the quality of our education.

First, the Commission unanimously recommends that an index system be used in distributing state appropriations for teachers salaries. This system, which will give greater reward for teaching experience as well as academic progress is endorsed by KEA and NEA. Under our present ranking system, the Commission has discovered that Kentucky is at the top among all southeastern states in salary scales paid to beginning teachers, and at the bottom in salaries paid to teachers with ten years' experience. This has caused many of our able young teachers to start in a Kentucky school system but to leave our state after

having gained experience in order to go to some other state where that experience is more adequately compensated.

The Commission has also requested that appropriate bills and legislation provide assurance that the budgets of local school districts, before being approved by the State Department of Education, maintain existing salary schedules and fund them in such a way that the money provided by the Legislature for teacher salaries will actually find its way into the teachers' pockets.

The Commission has also recognized that, in addition to better salaries for our teachers, we must have additional resources to eliminate our 481 one room schools and to build the 3749 new classrooms which are required. The Commission recommended that responsibility for this additional effort should be laid primarily upon local school districts; but the Commission has felt that local districts must be provided with new sources of revenue to meet such needs—sources at the local level to be drawn on by local decision.

If you adopt the recommendations of the Commission, local school districts will have access to three alternate sources of additional revenue for the purpose of meeting requirements for classroom construction and general operating expenses. Let me make it clear once more that each of these sources of revenue would be available, but could only be drawn upon by decision of the local school board itself; that only one of the three new sources could be utilized; and that all these new sources would be subject to a recall referendum on petition of 15 per cent of the voters in the local school district similar to the provision contained in the legislation authorizing the occupational tax for education in Louisville and Jefferson County. These three new sources of revenue are:

1. A license tax measured by net income of individuals.
2. An occupational license tax measured by wages, salaries and profits.
3. A license tax based upon furnishing telephone, telegraphic, gas, water and electric service.

In addition, of course, local school boards already have it

within their power, if they choose to exercise that power, to levy up to 10% increases in property taxes authorized at the special session in 1965. The Commission believes that use of these sources of revenue, and with the growth in property values and property improvement in many of our local areas, it will be possible to finance the more urgent need for classroom construction and operating expense in the overwhelming majority of our school districts.

I believe that all of you will agree with me that the members of the Commission have made recommendations which will assist in the solution of our current crisis and will make possible dramatic educational progress in our state in the immediate future. However, the Commission has wisely recognized that this is a long-range problem which cannot be solved overnight and that many vexing issues will arise in the future even after you have acted upon the recommendations of the Commission.

I therefore join the other members of the Commission in recommending that it be established as a permanent statutory body to advise the Governor, the General Assembly and the Department of Education with respect to all the problems, financial and otherwise, which are involved in an effort to provide education of ever increasing quality for our young men and women at the elementary and secondary level.

Let me say one final word to those who have been inclined toward impatience with the pace at which we have been proceeding toward objectives with which we all agree.

The people of Kentucky and the legislators of Kentucky have not been stingy with our teachers and with our educational system. We are not at the top of the states in wealth or in per capital income any more than we are at the top in teachers' salaries or in total education expenditures. Within the past decade, Kentuckians have twice accepted, and cheerfully accepted substantial increases in their tax burdens, most of the revenue of which has gone to education.

Let me point out that, if you accept my recommendations, our teachers will have received during this administration the largest salady increases ever provided during any administration

in the history of this Commonwealth—and all this without an increase in our state taxes.

We are making progress in Kentucky—industrial progress, agricultural progress, progress in solving the problems of Appalachia, progress in our highway system, progress in meeting human needs.

In accepting these recommendations, you will once more demonstrate to the people of Kentucky and of the nation that education comes first with Kentuckians and that we are determined that our children and those responsible for the training of our future leaders and citizens will receive the recognition and the reward which is due to their efforts and due to the magnitude of their responsibilities, insofar as that lies within our power.

Representative John Y. Brown moved that the Joint Session be dissolved. Agreed.

The Speaker resumed the Chair and called the House to order.

Representative Howard P. Hunt, Jr. moved that the Rules be suspended for introduction of a bill. Agreed.

## Introduction of Bills and Resolutions

**HB 454,** by Representatives Howard P. Hunt, Jr., Blume, Pettit, McBrayer and Carroll: AN ACT creating a Legislative Audit Committee; establishing the duties and powers of the committee and legislative auditor; appropriating funds to operate the committee and carry out its functions.

## Announcements

Representative Bates announced a meeting of the Agriculture Committee at 10:00 a.m., March 1, 1966.

Representative John Y. Brown moved that the House adjourn until 1:00 p.m., Thursday, February 24, 1966.

On the roll call the vote was yeas 51—Arnett, Barber, Bates, Blume, Blythe, Bondurant, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Caldwell, Chapman, Clark, Den-

ham, Floyd, Hale, Hardin, Harper, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Johnson, Keene, King, Lassiter, Maddox, Majors, McBrayer, McNamara, John D. Miller, Osborn, Overman, Peniston, Pettit, Pile, Sartin, Sheehan, Short, Smothers, Straney, Stuart, Tucker, Wallace, Warders, Watkins, Webster, Wells, White, Young. Nays 3—Ball, Bicknell, Riddle.

The motion that the House adjourn was adopted.

## THURSDAY, FEBRUARY 24, 1966

## FORTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend J. Carter Roberts of the Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Ballenger, Jones, Majors and Clarence R. Miller.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 23, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 455,** by Representative Watkins: AN ACT relating to registration of motor vehicles:

**HB 456,** by Representative Watkins: AN ACT relating to financing statements under the Uniform Commercial Code.

**HB 457,** by Representative Peniston: AN ACT regulating the selection of jurors for circuit courts of the Commonwealth.

**HB 458,** by Representatives John Y. Brown and Maddox: AN ACT relating to the construction of National Guard Facilities and amending KRS 36.082.

**HB 459,** by Representative Irick: AN ACT relating to school attendance.

**HB 460,** by Representatives King and Siemens: AN ACT relating to wages and hours.

**HB 461,** by Representative John D. Miller: AN ACT relating to vehicles on public highways.

**HB 462,** by Representative John D. Miller: AN ACT relating to condemnation of property.

**HB 463,** by Representative John D. Miller: AN ACT relating to the publication of financial statements.

**HB 464,** by Representative Murphy: AN ACT relating to the review of determinations of the Alcoholic Beverage Control Board and city and county alcoholic beverage control administrators.

**HB 465,** by Representatives McCowan, Straney, Vanover, Dempsey, Wright, Eicher, Kessinger, Clark, Ball, Archie Brown, Peace, Lassiter and Maddox: AN ACT relating to boards of education of school districts.

**HB 466,** by Representatives Wheeler and Chapman: AN ACT relating to circuit courts of continuous session.

**HB 467,** by Representative Blume: AN ACT relating to teachers in public schools.

**HB 468,** by Representative Keene: AN ACT relating to records maintained and transcribed by County Court Clerks.

**HB 469,** by Representative Tucker: AN ACT relating to pharmacists and pharmacies.

**HR 91,** by Representative Keene: A RESOLUTION honoring the services of Colonel Hal G. Moore in South Viet Nam.

**HB 470,** by Representative John Y. Brown: AN ACT relating to social security.

**HB 471,** by Representative John Y. Brown: AN ACT relating to education, revenue and taxation.

**HB 472,** by Representatives Criscillis and James E. Hunt: AN ACT relating to examination of voting machines.

**HB 473,** by Representative Hoffman: AN ACT relating to the operation of boats, vessels or water craft by non-residents upon any waters in the Commonwealth of Kentucky.

**HB 474,** by Representatives Billings and Morgan: AN ACT relating to Legislative fiscal analysis.

**HB 475,** by Representatives Warders and Eicher: AN ACT amending and repealing statutes requiring discrimination on the basis of race.

**HB 476,** by Representatives Eicher, Jones, Buky, Criscillis

and Blume: AN ACT relating to fallout shelters for all public buildings.

**HB 477,** by Representatives Eicher, Jones, Buky and Blume: AN ACT relating to minimum standards for construction of school buildings to provide radiation hazard protection.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture: **HB 439.**

Appropriations: **HB 441.**

Banks and Banking: **HB 453.**

Classification of Cities: **SB 83, SB 106.**

Courts and Legal Procedure: **SB 31, SB 48, SB 50, SB 51, SB 52, SB 113** and **SB 122.**

Criminal Law: **SB 128.**

Education: **HB 447, HB 450** and **HR 88.**

Elections: **HB 436** and **HB 449.**

Insurance: **HB 444, SB 74.**

Governmental Affairs: **SB 93, SB 97, SB 136, SB 139** and **SR 32.**

Judiciary and Judicial Council: **HB 429, HB 434, SB 21, SB 30, SB 35, SB 47, SB 124, SB 125** and **SB 159.**

Kentucky Statutes # 1: **HB 430, HB 442, HB 445, SB 61** and **SB 103.**

Legislative Affairs: **HB 454.**

Motor Transportation: **HB 440.**

Municipalities: **HB 431, HB 432, HB 433, HB 438** and **HB 443.**

Public Health: **HB 448** and **HB 452.**

Regulation of Intoxicating Liquors: **HB 446.**

Revenue and Taxation: **HB 435, HB 437** and **SB 96.**

Roads and Highways: **HB 451.**

**Motions, Petitions, and Communications**

Representative Henry announced that the Return Assembly Ball would be held March 17, 1966.

**HR 92,** by Representative Morgan: A CONCURRENT RESOLUTION directing the implementation of House Bill No. 121 (1962) relating to a business enterprise program for the blind.

WHEREAS, the 1962 session of the General Assembly of the Commonwealth of Kentucky passed an act relative to the establishment of a business enterprise program for the blind in federal, state, private and other buildings, and

WHEREAS, said act directed the State Rehabilitation Agency in the Department of Education, with the approval of the Superintendent of Public Instruction and the State Board of Education to establish and maintain a business enterprise program for the blind, and

WHEREAS, said agency was directed to own, lease, manage, supervise and operate vending stands and other business enterprises for the use or benefit of blind persons in federal, state, private and other buildings, and

WHEREAS, the State Rehabilitation Agency in the Department of Education was directed to make such surveys as were necessary to determine the vending stand opportunities for blind persons in state buildings and to install vending stands in suitable locations on such property for the use of the blind, and

WHEREAS, said act further directed the employment of one or more stand placement agents to locate and establish additional vending stands, and

WHEREAS, similar laws are now actively in effect in at least nineteen states of the United States, to the great assistance of blind persons who are prepared to support themselves by operating such stands, and

WHEREAS, the co-operation of the executive, educational, and other state authorities to put this act into effect has been diligently sought, and

WHEREAS, there has been no effective implementation of

this Act although four years have elapsed since its passage, and

WHEREAS, it is a shameful fact that a law which was passed by the General Assembly of 1962 without a single dissenting vote has not been put into effect,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That all officials whose duty it is, and all agencies the duty of which it is, to implement this legislation and put it into effect, are directed to immediately carry out the provisions of House Bill 121, passed by the 1962 session of the General Assembly, now KRS 163.150, and to discharge their duties as required by law.

Representative Morgan moved the adoption of **HR 92.** Agreed.

**HR 90,** by Representatives W. J. Reynolds and Hardin: A RESOLUTION in memory of Clive Akers.

WHEREAS, the death of Clive Akers, Tax Commissioner of Floyd County, Kentucky, is a great loss to the community; and

WHEREAS, Clive Akers was held in the highest esteem and respect by his friends and by all officials of Floyd County with whom he was associated; and

WHEREAS, the devotion and dedication to his duties as Tax Commissioner and to the welfare of his community is well known to all who knew and worked with him.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives of the Commonwealth of Kentucky adjourns on Thursday, February 24, 1966, it do so in tribute to and in memory of Clive Akers, who died on Monday, February 21, 1966.

Section 2. That the members of this body take this means

of extending its deepest sympathy and condolences to the widow, family and friends of the late Clive Akers.

Section 3. That the Clerk of the House of Representatives be directed to send a copy of this resolution to the widow of Clive Akers, at Drift, Kentucky, and to all county officials of Floyd County.

Representative W. J. Reynolds moved the adoption of **HR 90.** Agreed.

**HR 93,** by Representative Hislope: A RESOLUTION relating to House of Representatives of the General Assembly of the Commonwealth of Kentucky.

Representative Hislope moved the adoption of **HR 93.**

Representative John Y. Brown moved that **HR 93** be laid on the table.

On the roll call the vote was yeas 45—Allen, Arnett, Bartley, Bates, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Chapman, Cox, Criscillis, Denham, Hale, Hardin, Harris, Henry, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Kelly, King, Lassiter, Leeds, Martin, McBrayer, McNamara, John D. Miller, Osborn, Ostertag, Overman, Peniston, Pile, W. J. Reynolds, Roberts, Siemens, Smith, Smothers, Straney, Tucker, Webster. Nays 28—Ball, Bicknell, Blythe, Brady, Archie Brown, Caldwell, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, Kessinger, McCowan, McIntyre, Peace, Pettit, Riddle, Russell, Sartin, Secrest, Short, Wallace, Warders, Wheeler, Wright.

**HR 93** was tabled.

**HR 89,** by Representatives Harper, Sheehan, Isler and King: A RESOLUTION requesting the Governor to issue a Proclamation commemorating December 1, 1966 as the 100th Anniversary of the Covington Cincinnati Suspension Bridge.

WHEREAS, one hundred years ago the construction of the Covington-Cincinnati Suspension Bridge connecting Covington, "The Gateway to the South", with Cincinnati, "The Queen City", was completed, and

WHEREAS, the suspension bridge has endured until the present day as solid and sturdy as it was the day of dedication, and

WHEREAS, even today it is an engineering masterpiece and "required reading" for neophyte bridge builders, and

WHEREAS, in February 1846, the Kentucky General Assembly enacted legislation to bring into being the charter of the Covington-Cincinnati Bridge Company, and

WHEREAS, the vision of a bridge linking Covington with Cincinnati withstood years of criticism, failure in construction and financing, and delay caused by the Civil War, but was finally realized.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the members of the Kentucky House of Representatives call upon the Governor of the Commonwealth of Kentucky to commenorate, in any manner deemed suitable, December 1, 1966, as the 100th Anniversary of the "Suspension Bridge", and honoring the engineering skills, talent and vision of Mr. John A. Roebling, the builder of the said bridge, and the courage of Mr. Amos Shinkle, a member of the Board of the Covington-Cincinnati Bridge Company, who refused to give up when all seemed hopeless.

Representative Harper moved the adoption of **HR 89.** Agreed.

**HR 94,** by Representatives Sheehan, Isler, Roberts, King, Harper, Murphy, Overman and Ostertag: A RESOLUTION relating to The Kentucky Post-Times Star.

WHEREAS, The Kentucky Post-Times Star has undertaken to ascertain the will of the public so far as raise in teacher pay is concerned; and

WHEREAS, it has undertaken through the use of all the reportorial ability on its staff to obtain a true cross-section of public reaction on this question; and

WHEREAS, it has conducted one of the most comprehensive inquiries on a point vital to the public ever known in Kentucky journalism; and

WHEREAS, the result has become a vital study that can be used by the Legislature of the State of Kentucky in determining the will of the people in this matter;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the House of Representatives go on record complimenting The Kentucky Post-Times Star on its study of the will of the people in regard to raise in teacher pay, and the Editor in charge for his imaginative and creative ability in this study, and that we voice our gratitude to this paper and its editor, and that a copy of this Resolution be spread upon the Journal of the House of Representatives and a copy be given to the Frankfort correspondent of The Kentucky Post-Times Star and another be sent to the Editor of the paper to show our appreciation for this service.

Representative Sheehan moved the adoption of **HR 94.** Agreed.

**HR 95,** by Representative Wheeler: A RESOLUTION commending the Ashland Jaycees.

WHEREAS, the Ashland Jaycees are sponsoring the Appalachia Science and Technology Conference to be held at Ashland, Kentucky, on February 23-26, 1966; and

WHEREAS, this conference is the nation's first regional space and atomic energy exhibit the science education conference; and

WHEREAS, the House of Representatives is justly proud of this achievement;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Ashland Jaycees of Ashland, Kentucky, are commended for their efforts and achievements in sponsoring the Appalachia Science and Technology Conference which is not only an event of great value and interest to Kentucky but to the nation as well.

Representative Wheeler moved the adoption of **HR 95.** Agreed.

### Senate Message

Announcing passage of **SB 66.**

### Recess

Representative John Y. Brown moved that the House recess for 15 minutes for Committee meetings.

On the roll call the vote was yeas 48—Arnett, Ball, Bates, Billings, Blume, Blythe, Bourne, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Cox, Criscillis, Denham, Harris, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Keene, Kelly, King, Lassiter, Leeds, McIntyre, Murphy, Ostertag, Overman, Peniston, Pettit, Pile, W. J. Reynolds, Riddle, Sheehan, Siemens, Smothers, Stuart, Tucker, Warders, Watkins, Webster. Nays 22—Bartley, Bicknell, Bondurant, Clark, DeMarcus, Dempsey, Hale, Harper, Johnson, Kessinger, McCowan, McNamara, Morgan, Osborn, Peace, Russell, Short, Smith, Vanover, Wells, White, Wright.

The motion that the House recess was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Motions, Petitions, and Communications (Contd.)

Representative DeMarcus moved that **HB 11** be recommitted to the Committee.

On the roll call the vote was yeas 31—Ball, Barber, Bartley, Bicknell, Billings, Bondurant, Archie Brown, John Y. Brown, Cox, Criscillis, DeMarcus, Dempsey, Eicher, Floyd, Hale, Harper,

Isler, Lassiter, McCowan, McIntyre, Osborn, Peace, Secrest, Sheehan, Short, Straney, Vanover, Webster, Wells, White, Young. Nays 1—Peniston.

The motion that **HB 11** be recommitted was rejected.

## Orders of the Day

**HB 208,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Leeds moved the adoption of Committee Substitute to **HB 208.** Agreed.

On the roll call the vote was yeas 81—Ball, Barber, Bartley, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, Archie Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoffman, Hopkins, James E. Hunt, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Smith, Smothers, Straney, Stuart, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 208** as amended was passed and the title agreed to.

Representative Leeds moved that the vote by which **HB 208** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

## Report of Committees

The Committee on Kentucky Statutes # 1 reported **HB 66,** with Committee Substitute attached thereto, **HB 58, HB 59** and **HB 63** with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

Committee Substitute, **HB 66,** AN ACT relating to public roads.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any road, street, highway or parcel of ground dedicated and laid off as a public way and used without restrictions by the general public for five consecutive years, shall conclusively be presumed to be a public road.

Section 2. In the absence of any record, the width of a public road right of way shall be presumed to extend to and include that area lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, corner stones or other similar monuments indicating the boundary line.

Section 3. In the absence of both record or landmark, the right of way of a public road shall be deemed to extend to and include the shoulders and ditch lines adjacent to said road, and to the top of cuts or toe of fills where such exist.

Section 4. The cost of relocating any utility facilities originally constructed on other than public right of way required to be moved in the reconstruction or improvement of a public road shall be borne by the Department of Highways in the case of a road on the State System of Highways, or by the public agency having jurisdiction over that public road and sponsoring the reconstruction or improvement.

The Committee on Courts and Legal Procedures reported **HB 174** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 174,** AN ACT relating to the settlement of claims under motor vehicle liability insurance policies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

No settlement made under a motor vehicle liability insurance

policy of a claim against any insured thereunder arising from any accident or other event insured against for damage to or destruction of property owner by another person shall be construed as an admission of liability by the insured, or the insurer's recognition of such liability, with respect to any other claim arising from the same accident or event.

The Committee on Kentucky Statutes # 1 reported **HB 65** and **HB 115** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 65**, AN ACT authorizing the State Department of Health and local health departments to render home nursing care services and other health services and to charge fees therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The State Department of Health and any local health department, with the approval of the State Department of Health, is hereby authorized to provide home nursing care services and other health services and may charge fees therefor. The Commissioner of Health shall adopt a fee schedule covering all charges for such services.

Section 2. All fees and charges collected by the State Department of Health or the local health department concerned shall be credited to a Trust and Agency Fund to be used only for carrying out the provisions of this Act.

**HB 115**, AN ACT relating to the administration of Public Assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Subsection (5) of Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

(5) Needy child means a child [under the age of eighteen] who has been deprived of parental support by reasons prescribed by regulations within the scope of *Title IV* of the Social Security Act, its amendments and federal regulations and

who does not have otherwise provided for him a subsistence compatible with decency and health.

Section 2. Subsection (2) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Commissioner shall, by regulations, prescribe the conditions of eligibility for public assistance in conformity with *the public assistance titles of* the Social Security Act, its amendments and *other* federal acts and regulations in regard to an individual who is;

(a) an inmate of a public institution;

(b) a patient in an institution for tuberculosis or mental diseases;

(c) a patient who has been diagnosed as having tuberculosis or [phychosis] *psychosis* and is a patient in a medical institution.

Section 3. Subsection (4) of Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(4) No child born out of wedlock shall be eligible under KRS 205.160 to 205.250, 205.290 and 205.310 as a needy child until after a [bastardy] *paternity* proceeding involving the child has been initiated. The requirement of this subsection may be waived as prescribed by regulation if a [bastardy] *paternity* proceeding cannot be had or would be futile, or would not be to the best interest of such child or its mother or contrary to the public interest.

Section 4. Subsection (2) of Section 205.210 of the Kentucky Revised Statutes is amended to read as follows:

(2) Notwithstanding any aother provisions of the law to the contrary, resources in any given case shall be deemed to include among other things:

(a) The income and any property belonging to any applicant or recipient; except the exemptions of the kind and the amount of income prescribed by regulations within the scope of the *public assistance titles of the* Social Security Act, its amendments and *other* federal *acts and* regulations;

(b) The income and any property of the spouse living with any needy aged, needy blind, or needy permanently and totally disabled person;

(c) Such income and resources as may be available to applicants or recipients from persons legally liable for their support.

Section 5. Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy aged or needy blind or needy permanently and totally disabled person or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation [.] *; or*

*(f) Committees appointed by the court and approved for payment purposes by the commissioner according to prescribed regulations.*

(2) Any person who is receiving and disbursing public assistance grants on behalf of another individual eligible under KRS 205.160 to 205.250 shall upon request make an accounting of such funds to the division in accordance with regulations. If a public assistance grant made on behalf of a needy individual is not used for the benefit of such individual, such payment shall be suspended pending reasonable assurance that future grants will benefit the individual on whose behalf such payments are made.

(3) Public assistance shall not be assignable and shall be exempt from levy or execution. *Furthermore, the provisions of KRS 30.200 notwithstanding, no assignment, pledge or encumbrance of any right to benefits due or payable under this chapter shall be valid. Public assistance benefits, as long as they are not*

*mingled with other funds of the recipient, shall be exempt from any remedy for the collection of all debts, liens and encumbrances. No waiver of any exemption provided for in this subsection shall be valid.*

Section 6. Section 205.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) KRS 205.510 to 205.610, 205.991 and 211.106 shall be known as the "Medical Assistance Act."

(2) The General Assembly of the Commonwealth of Kentucky recognizes and declares that it is an essential function, duty and responsibility of the state government to provide medical care to its indigent citizenry; and it is the purpose of KRS 205.510 to 205.610, 205.991 and 211.106 to provide such care.

*(3) Further, it is the policy of the Commonwealth to take advantage of all federal funds that may be available for medical assistance. To qualify for federal funds the Commissioner of the Department of Economic Security may by regulation comply with any requirement that may be imposed or opportunity that may be presented by federal law. Nothing in KRS 205.510 to 205.610, 205.991 or KRS 211.106 is intended to limit the Commissioner's power in this respect.*

Section 7. Section 387.281 of the Kentucky Revised Statutes is amended to read as follows:

The circuit and county courts shall have jurisdiction within their respective counties, without impanelling a jury, to appoint a special committee to receive funds from any state, federal, city or county agency, which disburses funds for the maintenance and support of indigent persons, for any person who is a resident of their respective counties, or for any person who is confined in any of the charitable institutions in their respective counties, except that no such special committee shall be appointed under this section to receive funds disbursed by [the Commonwealth through the Division of Public Assistance of by] the United States through the Veterans Administration, or the successor to this agency.

Section 8. Section 387.282 of the Kentucky Revised Statutes is amended to read as follows:

Such appointment shall be made only after a verified statement has been filed by a reputable citizen of the county *or by an authorized representative of the agency disbursing the funds,* showing that the person is [of unsound mind or by reason of alcoholism, drug addiction or from any other cause is so imbecile or of such unsound mind as to render him incompetent] *physically, mentally, or otherwise unable or unfit* to receive, manage and disburse for his *or his family's* maintenance and support funds which may be allotted to him by the state, federal, city or county agency. *If the appointment is requested for physical or mental reasons,* the petition must be supported by the affidavit of some regularly practicing physician showing that said person is [incompetent] *physically or mentally disabled,* as alleged therein. *In all other cases, the petition must be supported by the affidavit of an authorized representative of the agency disbursing the funds showing the reason the appointment is needed.*

The Committee on Revenue and Taxation reported **HB 127** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 127**, AN ACT relating to county officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 64.530 of 1964 Supplement to KRS is amended to read:

(1) Except as provided in subsections (2) and (3) of this section, the fiscal court of each county shall fix the compensation of every county officer and employee except the officers named in KRS 69.005. For the purposes of this section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employe shall not be deemed to be county

employes for the purposes of this section. In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 69.005 may receive, from both sources. *The fiscal court may also,* [and also shall have authority to] fix the number of deputies and assistants, and the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. In the case of county officers elected by popular vote, the compensation of any such officer, and of his deputies and assistants, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by the law in force and effect on November 1, 1949. In the case of county officers elected by popular vote, for terms commencing after June 30, 1950, the annual compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which such officers are elected, and shall not be changed during the term.

(2) Nothing in this section shall apply to county tax commissioners or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(3) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed *twenty-five* [fifteen] dollars per day for each day of actual attendance of the meetings of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but with the exception of the terms that are being served on June 30, 1950, no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first, second, third or fourth class shall continue to be limited as provided in subsections (1), (2), (3) and (4) of KRS 67.110, and nothing in KRS 64.480 to 64.760 is intended to authorize any change in such

compensation during the term of any member. County commissioners or justices of the peace shall not receive any compensation for their services on the fiscal court, other than as provided in this section or subsections (1), (2), (3) and (4) of KRS 67.110, nor shall they receive any compensation for serving on committees of the fiscal court.

(4) Circuit court clerks in counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for circuit court clerks of this Commonwealth, provided fees or funds for this purpose are sufficient. The first deputy shall be allowed to receive a salary not to exceed $6600 per year; the second deputy shall be allowed to receive a salary not to exceed $5400 per year and other deputies shall be allowed to receive a salary not to exceed $4800 per year. Each circuit clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

The Committee on Revenue and Taxation reported **HB 409** with the expression of opinion that the same should not pass.

The Committee on Revenue and Taxation reported **HB 423** and **HB 424** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 423**, AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 132.590 is amended to read:

(1) The compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first [three] *four and one-half* million dollars and [two cents] *one-half of one cent* on each one hundred dollars of the excess over [three] *four and one-half* million dollars of the annual assessment. However, each county tax commissioner shall receive a minimum monthly payment of [two] *three* hundred fifty dollars as part or all of his compensation. Should a county tax commissioner for any reason vacate the office in any year during his term of office, any fees accruing to the office as compensation for the county tax commissioner shall

be prorated and the commissioner shall be paid only for the calendar days actually served during the year.

(2) In counties in which the assessed value of property exceeds four million dollars, the county tax commissioner's office shall be allowed by the state as compensation for deputies, other authorized personnel, and for other authorized expenditures, [two cents] *three-fourths of one cent* on each one hundred dollars of the property assessed in excess of four million dollars; but the total sum allowed any county tax commissioner's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed twenty thousand dollars in any county having a city of the first or second class, which shall be governed by KRS 132.630. Each county tax commissioner may appoint any persons approved by the Department of Revenue to assist him in the discharge of his duties. Each deputy must be more than twenty-one years of age and may be removed at the pleasure of the county tax commissioner. The salaries of deputies and other authorized personnel shall be fixed by the county tax commissioner and shall be subject to the approval of the Department of Revenue. No deputy county tax commissioner employed, or promoted to a higher position, after June 30, 1962, shall be approved for compensation from any funds derived from any taxing jurisdiction or jurisdictions in excess of three thousand six hundred dollars in any one calendar year, without having qualified by examination, said examination to be prepared and administered by the Department of Revenue in accordance with standards of the Department of Personnel, for the position to which he is being appointed or promoted. No state funds available to any county tax commissioner's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the Department of Revenue, prior to the employment by the tax commissioner or deputies or other authorized personnel or the incurring of other authorized expenditures.

(3) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the county tax commissioner for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the tax commissioner

and his deputies and other authorized personnel, and other authorized expenses of the office, two hundred dollars for the first million dollars of assessment and [one-half] *one-fifth* of one cent for each hundred dollars of assessment in excess of one million dollars; but the total sum to be paid by the fiscal court to any county tax commissioner's office shall not exceed twenty thousand dollars except in a county having a city of the first class, which shall be governed by KRS 132.630. This allowance shall be based on the assessment as of the previous January 1.

(4) Each county tax commissioner shall at the end of each month file a claim with the fiscal court for the salaries of his deputies, other personnel, and other expenses of his office incurred during the month which are reimbursable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. During county election years the county tax commissioner shall not be allowed to expend in excess of forty percent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(5) The county tax commissioner shall not receive for his personal services, incident to any assessment, *as an annual salary,* more than [seven] *nine* thousand [two] *six* hundred dollars in any calendar year. However, the maximum compensation for any county tax commissioner shall not exceed the highest compensation, including salary and fees, approved by the fiscal court for any county official [.] *except in a county having a city of the first or second class, which shall be governed as follows:*

*(a) The annual salary of the county tax commissioner in a county having a city of the first class shall be classified by the Department of Personnel in grade thirty-seven at the step recommended by the Department of Revenue.*

*(b) The annual salary of the county tax commissioner in a county having a city of the second class shall be classified by the Department of Personnel in grade thirty-five at the step recommended by the Department of Revenue.*

Section 2. The provisions of this Act shall be computed on the 1966 assessment and on each annual assessment thereafter,

**HB 424**, AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 132.285 is amended to read:

(1) Any city may by ordinance elect to use the annual county assessment for property situated within such city as a basis of ad valorem tax levies ordered or approved by the legislative body of the city. Any city making such election shall notify the Department of Revenue and county tax commissioner prior to the next succeeding assessment to be used for city levies. In such event the assessment finally determined for county tax purposes shall serve as a basis of all city levies for the fiscal year commencing after the county assessment date. Each city which elects to use the county assessment shall annually appropriate and pay each fiscal year to the office of the county tax commissioner for deputy and other authorized personnel allowance, supplies, maps and equipment, and other authorized expenses of the office, [one and one-half cent for each one hundred dollars of the assessment applicable to the city tax levies,] *a sum determined as follows:*

*(a) In cities permitted to levy a maximum tax rate of seventy-five cents per one hundred dollars assessment value, two percent of the amount which is produced by the application of the city tax rate to the assessment value.*

*(b) In cities permitted to levy a maximum tax rate of one dollar per one hundred dollars assessment value, one and one-half percent of the amount which is produced by the application of the city tax rate to the assessment value.*

*(c) In cities permitted to levy a maximum tax rate of one dollar and fifty cents per one hundred dollars assessment value, one percent of the amount which is produced by the application of the city tax rate to the assessment value; provided that sums paid under (a), (b) or (c) shall not be less than that paid computed on the 1965 assessment,* or thirty thousand dollars, whichever is smaller. This allowance shall be based on the assessment as of the previous January 1. Each county tax commissioner shall at the end of each month file a claim with the city for the salaries of his deputies, other *authorized* personnel, and other

expenses of his office incurred during the month which are reimbursable from city funds; and the city shall order payment in an amount not to exceed the appropriation authorized by this section. Notwithstanding any statutory provisions to the contrary, the assessment dates for such city shall conform to the corresponding dates for the county, and such city may by ordinance establish additional financial and tax procedures that will enable it effectively to adopt the county assessment. The legislative body of any city adopting the county assessment may fix the time for levying the city tax rate, fiscal year, due and delinquency dates for taxes and any other dates that will enable it effectively to adopt the county assessment, notwithstanding any statutory provisions to the contrary. Any such city may, by ordinance, abolish any office connected with city assessment and equalization; except that in the case of a city assessor who is elected by the qualified voters of the city, the office may not be abolished before the end of the term of such assessor. Any city which elects to use the county assessment shall have access to the assessment records as soon as completed and may obtain a copy of that portion of the records which represents the assessment of property within such city. Once any city elects to use the county assessment, such action cannot be revoked without notice to the Department of Revenue and the county tax commissioner six months prior to the next date as of which property is assessed for state and county taxes.

(2) In the event any omitted property is assessed by the county tax commissioner as provided by KRS 132.310 such assessment shall be considered as part of the assessment adopted by the city according to subsection (1) of this section.

Section 2. The provisions of this Act shall be computed on the 1966 assessment and on each annual assessment thereafter.

The Committee on Courts and Legal Procedure reported **HB 275, HB 298** and **HB 331** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 275, AN ACT** amending and revising the statutes containing a reference to age of majority or minors in order to supplement KRS 2.015.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 68.090 is amended to read:

(1) For county purposes the fiscal court of each county may levy a poll tax on each male resident of the county who is of the age of *eighteen* [twenty-one] years or over and is not exempt under KRS 142.020, and shall levy an ad valorem tax on all property subject to county taxation. This section does not authorize the fiscal court to levy a tax to pay any railroad bonded indebtedness or any interest thereon. The poll tax shall not exceed one dollar and fifty cents on each person taxed, and the ad valorem tax shall not exceed fifty cents on each one hundred dollars' worth of property taxed; except that, if an additional tax is required to pay the principal or interest on indebtedness of the county or a taxing district therein incurred prior to the adoption of the Constitution, the fiscal court may levy such additional tax as is authorized by law in force prior to the adoption of the Constitution.

(2) It is further provided that in any county which has under the law now in force established itself as a tubercular district the fiscal court shall levy a tax sufficient to maintain a tubercular institution and to provide for the salaries of the medical staff thereof and any other necessary expenses incident thereto taking into consideration any federal, state, or private financial assistance which may be given to such institution or which by existing law or that hereafter enacted such institution may be entitled to receive. Such levy shall be an ad valorem tax on all property subject to county taxation and shall not exceed ten cents on each one hundred dollars' worth of property so taxed and such ten cents shall be an additional tax to the fifty cents ad valorem tax limitation hereinbefore provided for.

Section 2. KRS 199.470 is amended to read:

(1) Any [adult] person who is *eighteen years of age and who is* a resident of this state or who has resided in this state for twelve months next before filing, may file a petition for leave to adopt a child in the circuit court of the county in which the petitioner resides,

(2) If petitioner is married, the husband or wife must join in a petition for leave to adopt a child unless the petitioner is married to a natural parent of the child to be adopted, except that if the court finds that the requirement of a joint petition would serve to deny the child a suitable home, such requirement may be waived.

(3) No petition for the adoption of any child under the age of sixteen shall be filed until after the child has lived continuously in the home of the petitioner for at least three months immediately prior to the filing of the petition.

(4) No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a licensed child-placing institution or agency or by the department, or the child has been placed with written approval of the commissioner; but no such approval shall be necessary in the case of:

(a) A child sought to be adopted by a stepparent, grandparent, sister, brother, aunt or uncle;

(b) A child received by the proposed adopting parent or parents from an agency without this state with the written consent of the commissioner.

(5) Subsection (4) of this section shall not apply to those children placed for adoption prior to June 14, 1962.

Section 3. KRS 203.020 is amended to read:

(1) The staff of a state mental hospital or of an institution for mentally defective persons may admit for diagnosis, care and treatment any person who is mentally ill or has symptoms of mental illness, or who is mentally retarded or has symptoms of mental retardation, and who, being *eighteen* [twenty-one] years of age or over, applies therefor, and any person under *eighteen* [twenty-one] years of age who is mentally ill or has symptoms of mental illness, or mental retardation, if his parent or guardian applies therefor in his behalf. The application shall be signed by the applicant in the presence of two witnesses.

(2) The staff of a state mental hospital may discharge any voluntary patient who has recovered or whose hospitalization

they determine to be no longer advisable. They may also discharge any voluntary patient if to do so would, in their judgment, contribute to the most effective use of the hospital in the care and treatment of the mentally ill or mentally defective.

(3) A voluntary patient who requests his release or whose release is requested, in writing, by his guardian, parent, spouse or [adult] relative *who is eighteen years of age or over* shall be released within five days from the receipt of such request, except as hereinafter provided in this section. If the patient was admitted on his own application and the request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto. If the patient, by reason of his age, was admitted on application of his parent or guardian, his release, prior to attaining the age of *eighteen* [twenty-one] years, shall be conditioned upon the consent of such parent or guardian.

(4) If the hospital staff believes that the patient is dangerous to himself or to others or would be benefited by further care and treatment in a hospital, it may, within five days after the receipt of the request for release, file in the proper court a certificate signed by two staff physicians stating that the patient is mentally ill or mentally defective and recommending his commitment. The court shall follow the procedure it usually follows when such a certificate is filed. After such certificate is filed, the hospital may continue to hold the patient beyond the expiration of the five-day period referred to in this section until notified by the court that the hearing has been held and the person has been found to be mentally well.

Section 4. KRS 271.025 is amended to read:

Any natural person of the age of *eighteen* [twenty-one] years or more, or any corporation, may form a corporation for any lawful purpose, and may own and hold all or any number of the shares of stock of any corporation organized under the provisions of KRS Chapter 271.

Section 5. KRS 337.010 is amended to read:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means Commissioner of Labor; and

(b) "Department" means Department of Labor.

(2) KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the Federal Railway Labor Act, the Federal Safety Appliance Act, the Federal Railroad Mediation Act, the Interstate Commerce Commission or the Kentucky Public Service Commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work.

(3) As used in KRS 337.210 to 337.360 unless the context requires otherwise:

(a) "Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered;

(b) "Minor" means a person of either sex under the age of *eighteen* [twenty-one] years;

(c) "Occupation" means an industry, trade, or business or branch thereof or class of work therein in which women or minors are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm;

(d) "Oppressive and unreasonable wage" means a wage that is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health, and

(e) "Woman" means a female of *eighteen* [twenty-one] years or over.

(4) KRS 337.210 to 337.360 shall not apply to any person subject to regulation by the Public Service Commission.

(5) As used in KRS 337.510 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public

works by contract fairly estimated to cost more than five hundred dollars;

(b) "Contractor" and "Subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent skilled laborers, workmen, mechanics, helpers, assistants and apprentices to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, mechanics, helpers, assistants and apprentices may be obtained in sufficient numbers to perform the work. "Locality" with respect to contracts with the Department of Highways of this state may, in the discretion of the Commissioner of Highways, be construed to include two or more adjacent counties from which laborers, workmen, mechanics, helpers, assistants and apprentices may be reasonably accessible for work on such construction;

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or works constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

(6) KRS 337.510 to 337.550 shall not apply to the construction of public works in any case where the Federal Government or any of its agencies furnishes by loans or grants any

part of the funds used in constructing such improvements, if the Federal Government or its agencies prescribe predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvement.

Section 6. KRS 337.370 is amended to read:

No female under *eighteen* [twenty-one] years of age shall be permitted to work at any gainful occupation, except domestic service and nursing, more than sixty hours in any one week, nor more than ten hours in any one day.

Section 7. KRS 387.010 is amended to read:

As used in this chapter, unless the context requires otherwise [,] :

*(1)* "Person of unsound mind" means an idiot, lunatic, one who from confirmed bodily infirmity is unable to make known to others by speech, sign or otherwise his thoughts or desires, and by reason thereof is incompetent to manage his estate, or one whose mind because of an infirmity or old age has become so imbecile or unsound as to render him incompetent to manage his estate.

*(2) "Infant" or "minor" means any person who has not reached the age of eighteen.*

Section 8. KRS 391.020 is amended to read:

(1) When a person dies intestate and without issue, owning real estate of inheritance which is the gift of either of his parents, the parent who made the gift, if living, shall inherit the whole of such estate.

(2) If *a person under the age of eighteen* [an infant] dies without issue, having the title to real estate derived by gift, devise or descent from one of his parents, the whole shall descend to that parent and that parent's kindred, and if there is none, then in like manner to the other parent and his kindred. The kindred of one parent shall not be so excluded by the kindred of the other parent, if the latter is more remote than the grandfather, grandmother, uncles and aunts of the intestate and their descendants.

Section 9. KRS 395.005 is amended to read:

Any resident of the State of Kentucky, including married women, over *eighteen* [twenty-one] years of age, and any National bank located in Kentucky having fiduciary powers and any state bank or trust company incorporated under the laws of the State of Kentucky and authorized by law to act as such therein may be appointed as fiduciary.

Section 10. KRS 395.080 is amended to read:

If all the persons nominated as executors are under the age of *eighteen* [twenty-one] at the time of probating the will, or those who are of age fail to qualify, administration with the will annexed may be granted during such minority. But if a testator, by his will, so directs, then such infant executor may qualify and give bond as an adult.

Section 11. KRS 401.010 is amended to read:

Any person at least *eighteen* [twenty-one] years of age, who is not a married woman, may have his name changed by the county court of the county in which he resides. If he resides on a United States army post, military reservation or fort his name may be changed by the county court of any county adjacent thereto.

Section 12. KRS 401.020 is amended to read:

The father, or if he is dead or has abandoned his [infant] child *who is under the age of eighteen,* the mother and guardian, or if no mother is living, the guardian alone, may have the name of *a child under the age of eighteen* [an infant] child changed by the county court of the county in which the child resides. If the child resides on a United States army post, military reservation or fort his name may be changed by the county court of any county adjacent thereto.

Section 13. KRS 402.080 is amended to read:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is *eighteen years of age or over* [of full age] or a widow, and the

license is issued on her application in person or by writing signed by her, in which case it may be issued by any county clerk.

(2) No county clerk shall issue a marriage license until the application for a marriage license remains on file, open to the public, in the office of the county court clerk, for three days before license is issued.

Section 14. KRS 402.210 is amended to read:

If either of the parties is under *eighteen* [twenty-one] years of age and not before married, no license shall issue without the consent of his or her father or guardian, or if there is none or he is absent from the state, without the consent of his or her mother, personally given or certified in writing to the clerk over the signature of the father, guardian or mother, attested by two subscribing witnesses and proved by the oath of one of the witnesses, administered by the clerk. If the parties are personally unknown to the clerk, a license shall not issue until bond, with good surety, in the penalty of one hundred dollars is given to the Commonwealth, with condition that there is no lawful cause to obstruct the marriage.

Section 15. KRS 402.260 is amended to read:

If any female under sixteen years of age marries without the consent of her father or guardian, or of her mother if there is no father or guardian or he is absent from the state, the court having general equity jurisdiction in the county of her residence shall, on the petition of a next friend, commit her estate to a receiver, who, upon giving bond, shall hold her estate and, after deducting a reasonable compensation for his services, pay out the rents and profits to her separate use during her infancy, under the direction of the court. When the wife arrives at the age of *eighteen* [twenty-one] the receiver shall deliver her estate to her, unless the court considers it for her benefit to continue it in the hands of the receiver.

Section 16. KRS 405.010 is amended to read:

The father and mother of a [minor] child *under the age of eighteen* are equally entitled to its services and earnings. If one of the parents is dead, or has abandoned the child, or been de-

prived of its custody by court decree, the other is entitled to its services and earnings. The parents jointly may maintain an action for loss of the services or earnings of their [minor] child *under the age of eighteen* when the loss is occasioned by an injury wrongfully or negligently inflicted upon the child. But if either the father or mother is dead, or has abandoned the child, or has been deprived of its custody by court decree, or refuses to sue, the other may sue alone. This section shall not affect the existing law relating to workmen's compensation and industrial accidents.

Section 17. KRS 405.020 is amended to read:

(1) The father and mother shall have the joint custody, nurture and education of their [minor] children *who are under the age of eighteen.* If either of the parents dies, the survivor, if suited to the trust, shall have the custody, nurture and education of the [minor] children *who are under the age of eighteen.* The father shall be primarily liable for the nurture and education of his [minor] children *who are under the age of eighteen.*

(2) The father and mother shall have the joint custody, care and support of their [adult] children *who have reached the age of eighteen and* who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care and support of such children. The father shall be primarily liable for the custody, care and support of wholly dependent [adult] children *who have reached the age of eighteen.*

Section 18. KRS 405.080 is amended to read:

Any [adult] person *who is eighteen years of age or over,* residing in this state and having in this state a parent who is destitute of means of subsistence and unable because of old age, infirmity or illness to support himself or herself, shall, after reasonable notice, provide that parent with necessary shelter, food, care and clothing, if he has, or is able to earn, sufficient means to do so.

Section 19. KRS 411.150 is amended to read:

The widow and [minor] child, *under the age of eighteen*

or either of them, of a person killed by the careless, wanton or malicious use of a deadly weapon, not in self-defense, may have an action against the person who committed the killing, and all others aiding or promoting, or any one or more of them. In such actions the jury may give vindictive damages.

Section 20. KRS 423.010 is amended to read:

The Secretary of State may appoint as many notaries public as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the circuit judge, circuit clerk, county judge, county clerk, justice of the peace or a member of the General Assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be *eighteen* [twenty-one] years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his certificate of appointment to the applicant, must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the Governor of Kentucky, and receive the same fee for the certificate that he now receives for attesting the commission issued by the Governor.

**HB 298**, AN ACT relating to probation and parole.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 439.430 is amended to read as follows:

(1) Any parole, probation or conditional release officer having reason to believe that a parolee or conditional releasee has violated the terms of his release may arrest such person without a warrant or may deputize any other peace officer to do so by giving him a written statement setting forth that the parolee or conditional releasee, in the judgment of the probation, parole or conditional release officer, has violated the conditions of his release. Such written statement delivered with the parolee or conditional releasee by the arresting officer to the official in charge of the station house, jail, workhouse or other place of detention, shall be sufficient warrant for the detention of the parolee or conditional releasee. The probation, parole or conditional release officer who arrests or causes the arrest of the prisoner shall notify the director at once of the arrest and detention of the parolee or conditional releasee, and shall submit in writing a report showing in what manner there has been a violation of the conditions of release. Thereupon, if the director believes the parolee or conditional releasee should be returned to prison, the director at once shall submit his recommendations to the board, and, if the board approves, it shall issue a warrant upon which the releasee shall be returned to prison, otherwise the prisoner shall be released upon the order of the director.

(2) A written statement, approved by the director, by a parole or conditional release officer, and filed with the board setting forth that the parolee or conditional releasee in the judgment of such officer has violated the condition of his release, shall be sufficient cause for the board, in its discretion, to issue a warrant for the arrest of the parolee or conditional releasee, or for his return to prison.

(3) A prisoner for whose return a warrant has been issued by the board, shall be deemed a fugitive from justice or to have fled from justice. If it shall appear he has violated the provisions of his release, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served in determining his final discharge eligibility date from parole if the board in its discretion so orders.

(4) *The Parole Board may at its discretion issue a warrant for any parolee or conditional releasee when in their judgment the condition of release has been violated.*

**HB 331**, AN ACT relating to the friend of the court and to amend KRS 403.090 (6).

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 403.090 is amended to read:

(1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court". If the circuit court of the county has but one judge, the appointment shall be made by the judge. If the court has two or more judges, the appointment shall be made by joint action of the judges, at the general term. The appointment shall be for a term of two years, subject to removal at the pleasure of the appointing authority. Vacancies shall be filled by appointment of the appointing authority for the unexpired term. The person appointed shall be a licensed practicing attorney. He shall take the constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.

(2) It shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the circuit court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court, and he shall see that the payments are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the circuit court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile court as reimbursement for the expenses incurred by the juvenile court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the

court for the purpose of compelling payment. He shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.

(3) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable him to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody and maintenance of the children. He shall make a report to the trial judge, at a time fixed by the judge, setting forth his recommendations as to the care, custody and maintenance of the children. He may request the court to postpone the final submission of any case to give him a reasonable time in which to complete his investigation.

(4) The friend of the court shall have authority to secure the issuance by the court of any order, rule or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care and maintenance of children. In performing his duties under subsection (3) of this section he shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses; in the case of depositions taken on interrogatories, he may file cross interrogatories. He shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when he deems it necessary for the protection of the minor children, or when he may be directed by the court to attend.

(5) The friend of the court shall not directly or indirectly represent any party to a divorce action except as he is herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a mother and her infant child or children, he may proceed to enforce the payment of the allowance made to the mother also.

(6) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a reasonable compensation for the friend of the court and make a reasonable allowance for his necessary expenses, equipment and supplies, payable out of the general fund of the county, upon approval of the judge or judges appointing him. The compensation of the friend of the court of counties containing a city of first, [or] second *or third* class shall not exceed $3,600 per annum, and the allowance for expenses shall not exceed $1,200 per annum; and in all other counties the compensation shall not exceed $2,400 per annum and the allowance for expenses shall not exceed $900 per annum.

The Committee on Courts and Legal Procedure reported **HB 334** and **HB 400** with the expression of opinion that the same should not pass.

The Committee on Criminal Law reported **HB 92** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 92**, AN ACT relating to the penalties involved in the bidding process of the purchasing laws of the Department of Finance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 42.076 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any agreement or collusion among bidders or prospective bidders which restrains, tends to restrain, or is reasonably calculated to restrain competition by agreement to bid at a fixed price, or to refrain from bidding, or otherwise, is prohibited.

[(2) Each bid submitted on state invitations shall be accompanied by a sworn statement that the bidder has not been a party to any agreement or collusion to restrain or otherwise limit competition.]

Section 2. Section 42.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any officer, agent or employe of the Department of Finance who wilfully fails or refuses to comply with any of the provisions of KRS 42.160 shall be subject to indictment in the Franklin Circuit Court and, upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars for each offense.

(2) *Any person who violates any of the provisions of KRS 42.076 shall be guilty of a felony and shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars, or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment. Any firm, corporation, or association which violates any of the provisions of KRS 42.076 shall, upon conviction, be fined not less than ten thousand dollars nor more than twenty thousand dollars.* [Any violation of KRS 42.070 shall be punished by a fine of not more than five thousand dollars or by a prison sentence of not more than five years, or by both fine and imprisonment in the discretion of the jury.]

(3) Any person who violates any of the provisions of [subsection (1) of] KRS 42.076 shall, upon conviction, be fined not less than five thousand dollars nor more than ten thousand dollars, or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment. Any firm, corporation, or association which violates any of the provisions of [subsection (1) of] KRS 42.076 shall, upon conviction, be fined not less than ten thousand dollars nor more than twenty thousand dollars.

[(4) Any person who violates the provisions of subsection (2) of KRS 42.076 shall be subject to prosecution under KRS 432.170.]

*(4)* [(5)] Any employe of the Division of Purchases, or any official of the Commonwealth of Kentucky, elective or appointive, who shall take, receive, or offer to take or receive, either directly or indirectly, any rebate, percentage of contract, money, or other things of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, for, or to, or from, any person, partnership, firm, or corporation, offering, bidding for, or in open market seeking to make sales to the

Commonwealth of Kentucky, shall be deemed guilty of a felony and upon conviction such person or persons shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the penitentiary for not more than ten years, or both so fined and imprisoned in the discretion of the jury.

(5) [(6)] Every person, firm, or corporation offering to make, or pay, or give, any rebate, percentage of contract, money or any other thing of value, as an inducement or intended inducement, in the procurement of business, or the giving of business, to any employe of the Division of Purchases or to any official of the Commonwealth, elective or appointive, in his efforts to bid for, or offer for sale, or to seek in the open market, shall be deemed guilty of a felony and shall be punished by a fine not to exceed five thousand dollars or by imprisonment in the penitentiary for not more than ten years, or both so fined and imprisoned in the discretion of the jury.

The Committee on Criminal Law reported **HB 79** with the expression of opinion that the same should not pass.

The Committee on Criminal Law reported **HB 205, HB 225** with Committee Substitute attached thereto, **HB 241** and **HB 242** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 205**, AN ACT relating to obscene matter.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act:

(1) "Distribute" means to transfer possession of, whether with or without consideration.

(2) "Knowingly" means having actual or constructive knowledge of the character and content of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would disclose the nature of the subject matter and the failure to inspect is for the purpose of avoiding such disclosure.

(3) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photo-

graph, motion picture, or other pictorial representation or any statute of other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.

(4) "Obscene" means that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for a specially susceptible audience, predominant appeal shall be judged with reference to such audience. If the subject matter is distributed to minors under eighteen years of age, predominant appeal shall be judged with reference to an average person of the actual age of the minor to whom such matter is distributed.

(5) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

Section 2. Any person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is punishable by fine of not more than one thousand dollars plus five dollars for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed ten thousand dollars, or by imprisonment in the county jail for not more than six months plus one day for each additional unit of material coming within the provisions of this chapter, and which is involved in the offense, such basic maximum and additional days not to exceed 360 days in the county jail, or by both such fine and imprisonment. If such person has previously been convicted of a violation of Section 2, he is punishable by fine of not more than two thousand dollars plus five dollars for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed twenty-five thousand dollars, or by imprisonment in the

county jail for not more than one year, or by both such fine and such imprisonment. If a person has been twice convicted of a violation of this Act, a violation of Section 2 is punishable by imprisonment in the state penitentiary not exceeding five years.

Secton 3. Any person, who with knowledge that a person is a minor under eighteen years of age, or who, while in possession of such facts that he should reasonably know that a person is a minor under eighteen years of age, knowingly sends or causes to be sent, exhibits, distributes, or offers to distribute any obscene matter to a minor under eighteen years of age is punishable by fine of not more than two thousand dollars or by imprisonment in the county jail for not more than one year, or both. If a person has been previously convicted of a violation of Section 3 or Section 4, he is punishable by imprisonment in the state penitentiary not exceeding five years.

Section 4. Any person who, with knowledge that a person is a minor under eighteen years of age, and who, while in possession of such facts that he should reasonably know that such person is a minor under eighteen years of age, hires, employs, or uses such minor to do or assist in doing any of the acts described in Section 2, is punishable by fine of not more than two thousand dollars or by imprisonment in the county jail for not more than one year, or both. If a person has been previously convicted of a violation of Section 3 or Section 4, he is punishable by imprisonment in the state penitentiary not exceeding five years.

Section 5. Any person who writes or creates advertising or solicits anyone to publish such advertising or otherwise promote the sale or distribution of obscene matter is punishable by fine or not more than five hundred dollars or imprisonment in the county jail for not more than six months, or both.

Section 6. Any person who knowingly sings or speaks any obscene song, ballad, or other words, in any public place is punishable by fine of not more than two hundred dollars or by imprisonment in the county jail not exceeding thirty days, or both.

Section 7. Any person who, knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise,

requires that the purchaser or consignee receive any matter reasonable believed by the purchaser or consignee to be obscene, or who denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financial or otherwise, by reason of the failure of any person to accept such matter, or by reason of the return of such matter, is punishable by fine of not more than one thousand dollars or by imprisonment in the county jail for not more than six months, or both. For a second and subsequent offense he shall be punished by a fine of not more than two thousand dollars, or by imprisonment in the county jail for not more than one year, or both. If such person has been twice convicted of a violation of this Act, a violation of Section 7 is punishable by imprisonment in the state penitentiary not exceeding five years.

Section 8. The prohibitions and penalties imposed hereby shall not extend to persons having bona fide scientific, educational, governmental, or other similar justification for conduct which would, except for such justification, be criminal under this chapter.

Section 9. The jury, or the court, if a jury trial is waived, shall render a general verdict, and shall also render a special verdict as to whether the matter named in the charge is obscene. The special verdict or findings on the issue of obscenity may be: "We find the _____ (title or description of matter) to be obscene," or "We find the _____ (title or description of matter) not to be obscene," as they may find each item is or is not obscene.

Section 10. Upon the conviction of the accused, the court may, when the conviction becomes final, order any matter or advertisement, in respect whereof the accused stands convicted, and which remains in the possession or under the control of the Attorney-General, Commonwealth's attorney, county attorney, city attorney or their authorized assistants, or any law enforcement agency, to be destroyed, and the court may cause to be destroyed any such material in its possession or under its control.

Section 11. KRS 436.100 is repealed.

**HB 225**, AN ACT relating to the admissability in evidence of scientific evidentiary tests.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

In any criminal proceeding the accused party shall have the right to have admitted in evidence the results of any scientific evidentiary tests, such as polygraph, sodium pentathol, blood, and other similar tests; provided, however, that after the accused requests that the results of such tests be admitted into evidence he shall not later object if the results of such tests are unfavorable to his case.

Committee Substitute, **HB 225**, AN ACT relating to the admissability in evidence of scientific evidentiary tests.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

In any criminal proceeding the accused party shall have the right to be examined at his own expense by any scientific evidentiary tests, such as, but not limited to, polygraph, sodium pentathol, blood, and other similar tests.

Section 2. The accused shall have the right, if he so desires to have admitted in evidence the results of such tests, but his failure to do so shall not be commented upon by the prosecuting attorney.

**HB 241**, AN ACT declaring it a crime to make, possess, or transfer a device, or plans therefor, designed for the commission of a theft of telecommunication service or to conceal from any telecommunication company the place of origin or destination of any telecommunication; authorizing the issuance of search warrants to seize such devices and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any person who knowingly

(1) makes, possesses or uses any instrument, apparatus, equipment or device designed, adapted or which can be used

(a) for commission of a theft of telecommunication service in violation of Section 434.510 (1) or 434.510 (2) of the Kentucky Revised Statutes; or

(b) to conceal, or to assist another to conceal from any supplier of telecommunication service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or

(2) sells, gives, transports, or otherwise transfers to another, or offers or advertises to sell, give, or otherwise transfer, any instrument, apparatus, equipment, or device described in (1), above, or plans or instructions for making or assembling the same; under circumstance evincing an intent to use or employe such instrument, apparatus, equipment, or device, or to allow the same to be used or employed, for a purpose described in (1) (a) or (1) (b), above, or knowing or having reason to believe that the same is intended to be so used, or that the aforesaid plans or instructions are intended to be used for making or assembling such instrument, apparatus, equipment, or device, shall be guilty of a misdemeanor, or if he has been previously convicted of a felony or of violating this Act, he shall be guilty of a felony.

Section 2. Any such instrument, apparatus, equipment, or device, or plans or instructions therefor, may be seized by court order or under a search warrant issued by any judge or magistrate or incident to a lawful arrest; and upon the conviction of any person for a violation of any provision of this Act, or Section 434.510 (2), Kentucky Revised Statutes, such instrument, apparatus, equipment, device, plans or instructions either shall be destroyed as contraband by the sheriff of the county in which such person was convicted or turned over to the telephone company in whose territory such instrument, apparatus, equipment, device, plans or instructions were seized.

Section 3. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and

effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**HB 242**, AN ACT to amend Section 434.510 (2) of the Kentucky Revised Statutes, dealing with the offense of obtaining telephone or telegraph service by false or fraudulent means.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 434.510 is amended to read:

(1) It shall be unlawful for any person knowingly to obtain or attempt to obtain credit, or to purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious, counterfeit or expired credit card, telephone number, credit number or other credit device, or by the use of any credit card, telephone number, credit number or other credit device of another without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, telephone number, credit number or other credit device in any case where such card, number or device has been revoked and notice of revocation has been given to the person to whom issued.

*(2) It shall be unlawful for any person to avoid or attempt to avoid, or to cause another to avoid, the lawful charges, in whole or in part, for any telephone or telegraph service or for the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities, by the use of any fraudulent scheme, device, means or method.*

[(2) It shall be unlawful for any person to obtain or attempt to obtain, by the use of any fraudulent scheme, device, means or method, telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or other telephone or telegraph facilities with intent to avoid payment of charges therefor.]

(3) The word "notice" as used in subsection (1) shall be construed to include either notice given in person or notice given in writing to the person to whom the number, card or device was issued. The sending of a notice in writing by registered or

certified mail in the United States mail, duly stamped and addressed to such person at his last address known to the issuer, shall be prima facie evidence that such notice was duly received.

(4) Any person who violates any provision of subsection (1) or (2) is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or imprisonment for not more than one year, or by both such fine and imprisonment.

The Committee on Criminal Law reported **HB 393, HB 394** and **HB 397** with the expression of opinion that the same should not pass.

The Committee on Criminal Law reported **HB 421** and **HR 73** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 421**, AN ACT relating to deadly weapons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed *on or about his person* a deadly weapon, other than an ordinary pocket knife, [on or about his person] or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be *fined not less than $200.00 nor more than $500.00, or be imprisoned not less than one month nor more than six months, or both; except that if such person has been previously convicted under this section or has been previously convicted of a felony, within or without this state, he shall be* confined in the penitentiary for not less than *one* [two] nor more than five years.

(2) *Peace officers,* [Sheriffs, constables, marshals, policemen] and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their

protection in the discharge of their official duties may carry concealed deadly weapons on or about their persons.

**HR 73**, A CONCURRENT RESOLUTION requesting the Governor of the Commonwealth of Kentucky to institute a program similar to Tennessee's Operation Crime Prevention.

WHEREAS, the State of Tennessee has instituted a highly successful program designated Operation Crime Prevention, which is designed to discourage crime among teenagers; and

WHEREAS, this Tennessee program is under the auspices of that state's Department of Corrections and involves a presentation by persons now under conviction and confinement of the dangers of crime, the involvement in crime-prone situations, the effect of criminal action on the individual; and

WHEREAS, this Tennessee group has appeared before 172,000 teenagers in the last ten months to explain the consequences of crime and the purposes of rehabilitation and correction; and

WHEREAS, this General Assembly has been impressed by the presentation of the Tennessee program before a joint session of this General Assembly;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the General Assembly, believing that a program similar to Tennessee's Operation Crime Prevention would be a step toward prevention of crime in the Commonwealth, request the Governor of the Commonwealth of Kentucky to institute a program of operation crime prevention.

Section 2. That this General Assembly request the Governor to direct the Kentucky Commissioner of Corrections to make all necessary plans toward the development and presentation of a program of operation crime prevention.

Section 3. That the Kentucky Commissioner of Corrections shall seek advice from the Tennessee Commissioner of Corrections in the development of this program.

Section 4. That the Governor of the Commonwealth advise the 1968 General Assembly with respect to the conduct and effectiveness of the Kentucky program of crime prevention.

The Committee on Agriculture reported **HB 418** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 418**, AN ACT relating to the Agricultural Experiment Station.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 247.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The experiment station shall make field experiments in order to ascertain by chemical and physical examination of soils and by direct experiments in laboratory and fields what crops and treatment are best suited to each type of soil, whether the present methods are tending to best results and to the preservation or reduction of fertility; what rotation and treatment will be most effective in retaining productive capacities of the soils of the various sections of the state and discover and demonstrate the best methods of marketing of fruits and vegetables.

(2) It shall conduct investigations calculated to develop the beef, pork and mutton producing interests of the state, and especially feeding experiments intended to demonstrate the most successful combination of stock foods, discovering, if possible, the most economical and successful methods of maintaining animals and fitting them for the market. It shall also conduct pathological investigations and investigate livestock conditions both at home and abroad, in so far as they affect market values.

(3) It shall conduct investigations for the purpose of developing the dairy interests of the state and undertake feeding experiments for production of milk and butter and the rearing of calves. It shall also study contagious diseases for the purpose of finding remedies for those diseases.

(4) It shall conduct investigations for the purpose of developing the horse interests of the state, and study the best methods of feeding and breeding, and diseases.

(5) It shall conduct experiments for the advancement of the poultry interests of the state and the economical production of poultry and eggs, including experiments in breeding for egg production and methods best adapted for hatching and raising of chicks.

[(6) It shall produce hog cholera serum and virus, which shall be furnished the farmers of this state at partial cost of production, not exceeding one cent per cubic centimeter, and be distributed through such channels as the director of the experiment station deems advisable for the protection of the swine interests of the state.]

*(6)* [(7)] It shall bring the scientific knowledge which it obtains concerning agriculture and home economics, to the farm and home by means of personal visitation, correspondence, cooperative demonstrations and experiments and the solution of local problems by station experts visiting the locality and studying the problems of the farm and home.

The Committee on Banks and Banking reported **HB 37, SB 63, SB 64** and **HB 131** with Committee amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 37**, AN ACT relating to Savings and Loan Associations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 289.671 of the 1964 Supplement to KRS is amended to read:

(1) Every foreign association making mortgage loans in this state shall make loans in accordance with the laws of this state governing domestic associations and shall deposit with the commissioner $100,000 in cash *or United States Government Securities.*

(2) The deposit made with the commissioner shall be held as security for all claims of residents of this state against a foreign association and shall be liable for all judgments or decrees thereon. All cash deposited with the commissioner shall be immedi-

ately deposited by him with the State Treasurer, who shall be responsible for the safekeeping thereof. The treasurer shall deliver such cash only upon written order of the commissioner, or a court of competent jurisdiction.

**SB 63**, AN ACT relating to banks and trust companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 287.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any five or more persons may organize a banking corporation [, which may be a commercial bank, a savings bank or both].

(2) Any seven or more persons may organize a corporation for the purpose of conducting a trust business.

(3) Any seven or more persons may organize a corporation for the purpose of conducting a combined banking and trust business.

(4) Any thirteen or more persons may organize a corporation for the purpose of conducting a combined banking and real estate title insurance business, combined trust and real estate title insurance business, or combined banking, trust and real estate title insurance business.

Section 2. Section 287.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Banks authorized under the laws of this state may, except as provided in subsection (2) of this section, exercise, only at their principal office, powers necessary to carry on the business of banking by discounting and negotiating notes, drafts, bills of exchange and other evidences of debt, and by purchasing bonds, receiving deposits and allowing interest thereon, buying and selling exchange, coin and bullion and lending money on personal or real security.

(2) Any corporation presently or hereafter engaged in the business of banking, and meeting the requirements of this

subsection, may apply to the Commissioner of Banking for permission to establish, within the city in which its principal office is located and, subject to the limitation hereinafter imposed, within the county in which its principal office is located [or in an adjacent county, in which there is no existing bank] a branch at which all of the powers conferred in subsection (1) of this section may be exercised. Before the Commissioner of Banking shall approve or disapprove any application made under this subsection he shall ascertain and determine that the public convenience and advantage will be served and prompted thereby and that there is reasonable probability of the successful operation of such branch. No such branch shall be authorized or approved by the commissioner unless all of the following are complied with:

(a) No such corporation having a combined capital and surplus of less than $100,000 shall be permitted to establish any branch. Any corporation applying for permission to establish a branch shall, be required to have a minimum combined capital and surplus for each branch applied for in accordance with the following table:

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If the principal office is located in:

1. An unincorporated area or in a city of 7,999 population or less ---------- $100,000
2. City with population of 8,000 to 19,999 ---------- $200,000
3. City with population of 19,999 and over one branch may be authorized for every $250,000 of capital and surplus.

Said population is to be determined by the last census or any future census of the United States.

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(b) No such corporation shall be permitted to establish a branch in any incorporated city, other than in the city in which its principal office is located [or in any adjacent county], in which there is an existing bank. Nor shall any such corporation be permitted to establish a branch in any unincorporated area within a radius of one mile of an existing bank located in such

unincorporated area. As used in this subsection, an "existing bank" shall mean the principal office of a bank as distinguished from a branch thereof.

(c) The permission to open a branch shall lapse at the end of six months unless it shall have been opened and business actually begun in good faith. For reasons determined by the Commissioner of Banking to be sufficient said permission to open a branch may, with the approval of the commissioner, be extended for one six month's period.

(3) Any corporation which on January 1, *1966,* [1954] was engaged in operating an agency or branch bank, may continue to retain and operate the same under the general banking laws, and the requirements set forth in this section in respect to capital shall not apply to any such existing agency or branch bank but only as to those agencies or branch banks which may be established in the future pursuant to the terms of this section.

(4) The provisions of this section shall not be construed to prohibit the merger of banks in the same county and the operation by the merged corporation of such banks, nor to prohibit the sale of any bank to, and the purchase thereof by, any other bank in the same county and the operation of such bank by the purchasing bank as a branch, provided the Commissioner of Banking shall determine that the public convenience and necessity will be served by such operation, and provided further that, at the time of such merger or purchase, each of the banks involved shall have been in operation for a period of five years or more.

(5) Any national banking association or any state bank member of the Federal Reserve System whose principal office is located in this state is hereby authorized to do all things and perform all acts which state banks are permitted to do or perform under this section, subject to the conditions and restrictions provided for banks as to exercise of such powers.

(6) When a branch or agency bank has once been established any operation thereof shall not be discontinued, and said branch or agency bank shall not be closed until after ninety days notice in writing to the commissioner. In the discretion of the

commissioner said branch or agency bank proposing to discontinue operation may be required to give notice of the date when such operation will cease.

Section 3. Section 287.480 of the Kentucky Revised Statutes is amended to read as follows:

The following fees shall be paid to the director of banking by corporations engaged in a banking or trust business:

(1) For the investigation incident to the approval of articles of incorporation [, $50] *and to the approval of applications for branch banks, the fee shall be sufficient to cover the cost of the investigation based upon fair compensation for time and actual expense;*

(2) For each report, a filing fee of $1.00;

(3) For each examination of the institution of other than assets held by it in a fiduciary capacity, $.03 on each $1,000 of assets, or fractional part, and in addition a flat fee as follows: Institutions having assets of not more than $300,000, a fee of $35; institutions having assets of $300,000 and not more than $600,000, a fee of $50; on each institution having assets of $600,000 and not more than $1,000,000, a fee of $60; on each institution having assets of $1,000,000 and not more than $2,000,000, a fee of $80; on each institution having assets of $2,000,000 and not more than $3,000,000, a fee of $150; on each institution having assets of $3,000,000 and not more than $5,000,000, a fee of $200; on each institution having assets of $5,000,000 and not more than $10,000,000, a fee of $300; and on each institution having assets of $10,000,000 or more a fee of $400; and

(4) For the examination of the assets held by the institution in a fiduciary capacity, the expenses of such examination, not exceeding $15 per day for the services of each examiner actively engaged in the examination. The director of banking shall accept examinations made of the trust department in combined banks and trust companies by examiners for the Federal Reserve System, Federal Deposit Insurance Corporation, or a certified public accountant, if the report of such audit or examination is furnished to him.

(5) Extraordinary services performed, in addition to examinations, for any financial institution, including institutions in liquidation under the supervision of the director of banking, shall be paid for by such institution upon the basis of fair compensation for time and actual expense.

Section 4. Section 287.370 of the Kentucky Revised Statutes is repealed.

**SB 64**, AN ACT relating to funeral and burial trust funds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context requires otherwise.

(1) "Department" means the Department of Banking and Securities.

(2) "Financial Institution" means a bank, trust company or savings and loan association authorized by law to do business in this state.

(3) "Pre-Need Burial Contract" means a contract, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person whose body is to be disposed of; but does not mean the furnishing of a cemetery lot or mausoleum.

Section 2. (1) All payments of money made by any person, partnership, association or corporation upon any agreement or contract, or any series or combination of agreements or contract, but not including the furnishing of cemetery lots or mausoleums, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person whose body is to be disposed of, are held to be trust funds. The person, partnership, association or corporation receiving the payments is declared

to be a trustee thereof, and shall deposit all payments in a trust account with a Bank or Trust Company or invest said payments in a Savings and Loan Association. All of the interest, dividends, increases or accretions of whatever nature earned by the funds deposited in a trust account shall remain with the principal of such account and become a part thereof, subject to all of the regulations concerning the principal of said fund herein contained.

(2) All payments made under the agreement, contract or plan are and shall remain trust funds with the Financial Institution until the death of the person for whose service the funds were paid and until the delivery of all merchandise and full performance of all services called for by the agreement, contract or plan, except where payment is made pursuant to Section 3 hereof.

(3) The funds shall not be paid by the Financial Institution until a certified statement is furnished to the Financial Institution setting forth that all of the terms and conditions of the agreement have been fully performed by the person, association, partnership, firm or corporation. Any balance remaining in the fund after payment for the merchandise and services as set forth in the agreement, contract or plan shall be paid to the estate of the beneficiary of the agreement, contract or plan.

(4) Subsection (1) of this section does not apply to contracts for funeral service or merchandise sold as burial insurance policies which are regulated by the Department of Insurance of this state.

Section 3. Upon the giving of fifteen (15) days written notice, any person, partnership, or corporation who has paid funds for a pre-need funeral service may demand a refund of the entire amount actually paid, together with all interest, dividends, increases or accretions, of any kind whatsoever, which have been earned on such funds.

The Financial Institution shall be relieved from further liability, after making payment to the person making payment of said funds, to the Trustee upon receipt of the foregoing written notice. Notice of payment of funds under this Section shall be given by the Financial Institution to the trustee.

Section 4. All trust funds mentioned in this Act shall be deposited in the name of the Trustee, as Trustee, within 30 days after receipt thereof, with a bank or trust company or invested in a savings and loan association and shall be held together with the interest, dividends, or accretions thereon, in trust, subject to the provisions of this Act. The Trustee at the time of making deposit or investment shall furnish to the Financial Institution the name of each payor, and the amount of payment on each account for which the deposit or investment is being made.

Section 5. No person, firm, partnership, association or corporation may, without first securing from the department a license, accept and/or hold payments made on Pre-Need Burial contracts, except Financial Institutions as defined in Section 1(2) hereof. Application for a license shall be in writing, signed by the applicant and duly verified on forms furnished by the department. Each application shall contain at least the following:

> The full name and address (both residence and place of business) of the applicant, and every member, officer and director thereof if the applicant is a firm, partnership, association or corporation. Any license issued pursuant to the application shall be valid only at the address stated in the application for the applicant or at a new address approved by the Department.

Upon receipt of the application and payment of a license fee of $25.00 the Department shall issue a license unless they determine that the applicant has made false statements or representations in the application, or is insolvent, or has conducted, or is about to conduct his business in a fraudulent manner, or is not duly authorized to transact business in this state.

Any person selling a pre-need funeral service contract shall collect from each purchaser a service charge of $2.00, and all of which fees so collected shall be remitted by the person collecting same to the Department of Banking and Securities at least once each month, and such funds shall be used by the Department in administering this Act.

Section 6. The licensee shall keep accurate accounts, books, and records in this state of all transactions, copies of all agree-

ments, dates and amounts of payments made and accepted thereon, the names and addresses of the contracting parties, the persons for whose benefit funds are accepted, and the names of the financial institutions in which the funds are deposited or invested. The licensee shall make all books and records pertaining to the trust funds available to the department for examination. The department may at any time investigate the books, records, and accounts of the licensee with respect to its trust funds and for that purpose may require the attendance of and examine under oath, all persons whose testimony they may require.

Section 7. The department shall enforce the provisions of this Act and has the power to make investigations, subpoena witnesses, require audits and reports and conduct hearings as to violations of any provision, and to establish such rules and regulations as are necessary to carry out the provisions of this Act.

Section 8. Any person willfully violating the provisions of this Act shall be fined not less than five hundred nor more than one thousand dollars.

Section 9. The provisions of this Act shall be separable, and in case any provision or part thereof shall be held to be unconstitutional or invalid for any reason, the same shall not be held to affect any other paragraph, provision, or part of this Act.

Section 10. All acts or parts of acts conflicting with this Act are repealed.

**HB 131,** AN ACT relating to the definition, licensing, and regulation of the business of selling, issuing or delivering checks, drafts, and money orders as a service or for a fee or other consideration; to permit the licensing of such business; to provide for the administration of this Act; and to prescribe penalties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

This Act may be cited as "The Sale of Checks Act."

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

For the purposes of this Act:

(a) "Person" means any individual, partnership, association, joint stock association, trust, or corporation, but does not include the United States Government or the government of this Commonwealth.

(b) "Licensee" means a person duly licensed by the Commissioner pursuant to this Act.

(c) "Check" means any check, draft, money order, personal money order, or other instrument for the transmission or payment of money.

(d) "Personal money order" means any instrument for the transmission or payment of money in relation to which the purchaser or remitter appoints or purports to appoint the seller thereof as his agent for the receipt, transmission, or handling of money, whether such instrument be signed by the seller or by the purchaser or remitter or some other person.

(e) "Sell" means to sell, to issue, or to deliver a check.

(f) "Deliver" means to deliver a check to the first person who in payment for same makes or purports to make a remittance of or against the face amount thereof, whether or not the deliverer signs the check.

(g) "Department" means the Department of Banking.

(h) "Commissioner" means the Commissioner of Banking, or his duly designated representative.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

No person, except those specified in Section 4, shall engage in the business of selling checks, as a service or for a fee or other consideration, without having first obtained a license hereunder. Any person engaged in said business on the effective date of this Act may continue to engage therein without a license until the Commissioner shall have acted upon his application for a license, provided that such application be filed within sixty days after the effective date of this Act.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

No license to sell checks as aforesaid shall be required hereunder of any of the following:

(a) Banks, trust companies, building and loan associations, and savings and loan associations, organized under the laws of this state or authorized to do business in this state.

(b) Incorporated telegraph companies insofar as they receive money at any of their respective offices or agencies for immediate transmission by telegraph.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

To qualify for a license hereunder an applicant shall meet the following requirements:

(a) The applicant shall have a net worth of at least one hundred thousand dollars computed according to generally accepted accounting principles.

(b) The financial responsibility, financial condition, and business experience, and character and general fitness of the applicant shall be such as reasonably to warrant the belief that applicant's business will be conducted honestly, carefully and efficiency. To the extent deemed advisable by the Commissioner, the Commissioner may investigate and consider the qualifications of officers and directors of an applicant in determining whether this qualification has been met.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

Each application for such a license shall be made in writing and under oath to the Department in such form as it may prescribe. The application shall state the full name and business address of:

(a) The proprietor, if the applicant is an individual.

(b) Every member, if the applicant is a partnership or association.

(c) Every trustee and officer if the applicant is a trust.

(d) The corporation and each officer and director thereof, if the applicant is a corporation.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

Each application for a license shall be accompanied by:

(a) An investigation fee of two hundred fifty dollars which shall not be subject to refund but which, if the license be granted, shall constitute the licensee fee for the first license year or part thereof.

(b) Financial statements reasonably satisfactory to the Department.

(c) A surety bond issued by a bonding company or insurance company authorized to do business in this state, in the principal sum of fifty thousand dollars and in an additional principal sum of five thousand dollars for each location, in excess of one, at which the applicant proposes to sell checks in this state, but in no event shall the bond be required to be in excess of one hundred fifty thousand dollars. If the bond accompanying the application be in a principal sum of less than one hundred fifty thousand dollars, the application shall also be accompanied by a list of the locations at which the business is to be conducted. The bond shall be in form satisfactory to the Department and shall run to the state for the benefit of any claimants against the applicant or his agents to secure the faithful performance of the obligations of the applicant and his agents with respect to the receipt, handling, transmission and payment of money in connection with the sale of checks. The aggregate liability of the surety in no event shall exceed the principal sum of the bond. Such claimants against the applicant or his agents may themselves bring suit directly on the bond, or the Attorney General may bring suit thereon in behalf of such claimants, either in one action or successive action.

(d) In lieu of such corporate surety bond or bonds, or of any portion of the principal thereof as required by this section, the applicant may deposit with the Department or with such banks or trust companies or national banks in this state as such applicant may designate and the Commissioner may approve interest-bearing stocks and bonds, notes, debentures or other obligations of the United States of any agency or instrumentality thereof, or guaranteed by the United States, or of this state or of

a city, county, town, village, school district or instrumentality of this state, or guaranteed by this state, to an aggregate amount, based upon principal amount or market value, whichever is lower, of not less than the amount of the required corporate surety bond or portion thereof. The securities shall be deposited as aforesaid and held to secure the same obligations as would the surety bond, but the depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the Commissioner, to substitute other securities for those deposited, and shall be required so to do on written order of the Commissioner made for good cause shown.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

Upon the filing of an application in due form, accompanied by the fee and documents mentioned in Section 7, the Department shall investigate to ascertain whether the qualifications prescribed by Section 5 have been met. If the Commissioner finds that such qualifications have been met, and if he approves the said documents and finds that said bond is in the prescribed amount, he shall issue to the applicant a license to engage in the business of selling checks in this state.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

After a license has been granted, the licensee shall maintain said bond or securities in the amount prescribed by Section 7, as follows:

(a) Each licensee who does not have on file or deposit a bond or securities, as aforesaid, in the undiminished principal sum of one hundred fifty thousand dollars, shall file quarterly reports with the Department setting forth the locations at which he sells checks in this state as of January 1, April 1, July 1, and October 1 in each year, the report for each such date being due on or before the 15th day thereafter. Within ten days following the filing of such a report, the principal sum of the bond or securities shall be increased to reflect any increase in the number of locations, and may be decreased to reflect any decrease in the number of locations.

(d) If the Commissioner shall at any time reasonably determine that the bond or securities aforesaid are insecure, deficient in amount, or exhausted in whole or part, he may by written order require the filing of a new or supplemental bond or the deposit of new or additional securities in order to secure compliance with this Act, such order to be complied with within thirty days following service thereof upon the licensee.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

Each licensee shall pay to the Department annually on or before July 1, of each year a license fee of two hundred fifty dollars.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

A licensee may conduct his business at one or more locations within this state and through or by means of such agents as the licensee may from time to time designate or appoint. No license under this Act shall be required of any agent of a licensee.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

Each licensee shall be liable for the payment of all checks which he sells, in whatever form and whether directly or through an agent, as the maker or drawer thereof according to the negotiable instrument laws of this state; and a licensee who sells a check, whether directly or through an agent, upon which he is not designated as maker or drawer shall nevertheless have the same liabilities with respect thereto as if he had signed same as the drawer thereof.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

Every check sold by a licensee, directly or through an agent, shall bear the name of the licensee clearly imprinted thereon.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

The Commissioner may revoke a license on any ground on

which he may refuse to grant a license or for violation of any provision of this Act. In furtherance of the foregoing, the Department, if it has reasonable cause to believe that the grounds for revocation exist, may investigate the business, books and records of the licensee.

Section 15. A new section of the Kentucky Revised Statutes is created to read as follows:

No license shall be denied or revoked except after a hearing thereon. The Department shall give the applicant or licensee at least twenty days' written notice of the time and place of such hearing by registered or certified mail addressed to the principal place of business of such applicant or licensee. Any order of the Commissioner denying or revoking such license shall state the grounds upon which it is based and shall not be effective until twenty days after written notice thereof has been sent by registered or certified mail to the applicant or licensee at such principal place of business.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person who directly or through another violates or attempts to violate any provision of this Act shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned in the county jail for not more than ninety days, or both. Each transaction in violation of this Act and each day that a violation continues shall be a separate offense.

Section 17. A new section of the Kentucky Revised Statutes is created to read as follows:

Should any provision, sentence, clause, section or part of this Act for any reason be held unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Act. It is hereby declared to be the intention of this legislature that this Act would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Committee amendment to **HB 131** is as follows:

Amend printed copy of House Bill 131 on page 7, line 20, by: Adding the following:

"A bank, even though not required to be a licensee, shall have the right to designate any person, as defined herein, as an agent to sell its checks at locations other than at such bank or any branch thereof. The sale of checks by such agents at those locations shall not constitute a banking operation, nor shall the location be considered as a branch of the bank, and no license shall be required of any such agent."

The Committee on Banks and Banking reported **HB 177** and **HB 215** with the expression of opinion that the same should not pass.

The Committee on Banks and Banking reported **HB 339** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 339**, AN ACT relating to secured transactions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 355.9-302 of the 1964 Supplement to KRS is amended to read:

(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under KRS 355.9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under KRS 355.9-304 or in proceeds for a ten day period under KRS 355.9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of $2500; but filing is required for a fixture under KRS 355.9-313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under KRS 355.9-313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which

does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (KRS 355.4-208) or arising under the Article on Sales (see KRS 355.9-113) or covered in subsection (3) of this section;

(g) a security interest in property, including after acquired property, under a mortgage or security agreement creating a lien upon real and personal property, including after-acquired property, executed by a railroad or public utility corporation and recorded and filed pursuant to the applicable provisions of the Kentucky Revised Statutes.

(2) If a secured party assigns a perfected security interest, no filing under this article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this article do not apply to a security interest in property subject to a status

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

*(5) KRS 355.9-401 through 406, inclusive, shall not apply to a security interest in property of any description, including after-acquired property of whatever kind, or any interest therein, created by a deed of trust or mortgage made by a utility, as defined in KRS 278.010, a corporation formed under KRS 279.010 to 279.220 or a corporation formed under KRS 279.310 to 279.600, but such security interest can be perfected only by recordation in accordance with the requirements of KRS 382.340.*

Section 2. Section 382.340 of the 1964 Supplement to KRS is amended to read:

(1) Mortgages executed by corporations, authorized to operate railroads, motor transportation lines, electric light, heat and power plants, water plants, telegraph and telephone lines, which cover rights of way, franchises, pipelines, pole lines, easements, railroad tracks, engines, cars, motor equipment or any tangible personal property, or after-acquired property of whatever kind, *may create a lien upon such property, or any interest therein, and may secure all renewals and extensions of any loan or loans secured thereby and the note or notes evidencing the same, and may secure any additional indebtedness whether direct, indirect, existing, future, contingent or otherwise, to the extent authorized by such mortgage or deed of trust, provided the mortgage by its terms stipulates the maximum additional indebtedness which may be secured thereby. All such mortgages which cover rights of way, franchises, pipelines, pole lines, easements, railroad tracks, engines, motor equipment or any tangible personal property* shall be duly acknowledged as required by law and recorded as mortgages on real estate are required to be recorded only in the county in Kentucky in which the principal office of the corporation is located.

(2) If the mortgage covers other real property in addition to rights of way, franchises, pipe lines, pole lines, easements, railroad tracks, engines, cars, motor equipment or tangible personal property, then the mortgage shall also be recorded in each county in which such other real property is located.

(3) When such mortgage is lodged for record, as herein provided, it shall be temporary or interim certificate, receipt or certificates of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is effective against purchasers for a valuable consideration without notice and against creditors as defined in KRS 382.270.

The Committee on Insurance reported **HB 284**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 284,** AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

All contracts of insurance commonly known as homeowner's policies insuring the real and personal property of a homeowner against loss shall exclude all losses of fifty dollars or less, except insofar as such contracts insure against the peronal liability of the inured.

**Committee Substitute, HB 284,** AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. No insurance company writing insurance commonly known as home owners' policies shall, after the effective date of this Act, issue any policy covering the real or personal property of any insured unless said policy contains a clause to the effect that the insured shall bear the first $50 of any loss to the real or personal property of the insured.

Section 2. This Act shall not apply to any loss wherein the insured is legally liable to a third person for the loss or damage to such property, nor shall it apply to the loss or damage of property owned by a third person which is in the care, custody or control of the insured.

The Committee on State Parks reported **HB 407** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 407,** AN ACT relating to the Department of Parks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 148.021 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Parks shall exercise all administrative functions of the state relating to the operation of state parks, shrines, monuments, and museums except those allocated to the Historical Society.

(2) The department may acquire, subject to the provisions of KRS Chapters 42 and 56, lands by purchase, lease or otherwise, on which to operate state parks.

(3) The department may improve said parks by constructing and equipping improvements of facilities in said parks.

(4) The department may operate said parks, and fix fees and charges for the use of said parks and the improvements and facilities constructed therein, and provide for the collection of said fees and charges and the proper accounting therefor.

(5) The Department of Parks is authorized to enter into any agreement with the Breaks Interstate Park Commission for the operation of any facilities in the Breaks Interstate Park.

(6) The Department of Parks is authorized to accept, for deposit in a trust and agency fund account in accordance with KRS 45.140, on behalf of the state any grant or contribution, federal or otherwise, to assist in meeting the cost of carrying out the functions assigned to the Department of Parks.

*(7) Notwithstanding any provision in KRS Chapter 41, 45, or 47 to the contrary, there may be established separate cash funds and depositories at each state park from which immediate payment of refunds may be made to a patron or guest of such state park of any unearned money advanced or paid by such guest or patron. The Department may accept from a guest or patron an amount which includes the fee for the service rendered plus a gratuity for the waitress or other designated person and remit the gratuity directly from the depository or cash fund to the designated recipient thereof. Such funds or depositories shall be governed by regulations established by the Department of Parks and approved by the Department of Finance.*

The Committee on Public Health reported **HB 239, HB 280, HB 323, HR 76** and **SB 24** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 239,** AN ACT relating to compensation of State Tuberculosis Hospital Commission personnel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Notwithstanding the provisions of KRS 64.640, the State Tuberculosis Hospital Commission shall, with the approval of the Department of Personnel and the Governor, establish a rate of compensation for each position requiring the services of a qualified physician in the state tuberculosis hospitals and shall, with the approval of the Governor, establish the rate of compensation of the executive director of the commission.

Such rates shall be based on studies of the duties and responsibilities of the positions and upon a comparison with rates being paid for similar or comparable services elsewhere provided, however, that no annual rate of compensation shall exceed $22,500.

**HB 280,** AN ACT relating to the examination, certification, and licensing of operators of water treatment plants, water distribution systems, and sewage treatment plants.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It is the intent of this Act that every operator in responsible charge of a water treatment plant, water distribution system, and sewage treatment plant be required to hold a valid and effective certificate of competency issued by the State Department of Health in a class equal to or higher than the class of the particular treatment plant or distribution system where he is currently employed in order to protect the public health. Operators other than those in responsible charge of such facilities shall also be eligible to apply for certification.

Section 2. The State Department of Health shall certify persons as to their qualifications to supervise successfully the operation of water treatment plants, water distribution systems, and sewage treatment plants after considering the recommendations of a Board of Certification which shall be appointed by the Commissioner of Health. The Board shall consist of the following: two members who are currently employed water works operators holding valid certificates; two members who are currently employed as sewage treatment plant operators holding valid certifi-

cates; one member employed by a municipality who holds the position of either city manager, city engineer, director of public works, or the equivalent thereof; one member who is a faculty member of a college, university, or professional school whose major field is related to water supply and sewage treatment; and one ex officio member representing the State Department of Health. Board members shall serve for a four year term or until their successors are appointed and qualify. The State Health Department representative shall serve as Executive Secretary and Treasurer of the Board and be responsible for maintaining records. The members of the Board shall serve without compensation, but may be reimbursed for all actual and necessary expenses incurred while discharging their official duties.

Section 3. The State Department of Health shall classify all water treatment plants, water distribution systems, and sewage treatment plants with due regard to size, type, physical conditions affecting such treatment plants and distribution systems, and according to the skill, knowledge and experience that the operator must have to supervise successfully the operation of such water treatment plants, water distribution systems, and sewage treatment plants so as to protect the public health.

Section 4. One year following the effective date of this Act all water treatment plants, water distribution systems, and sewage treatment plants, whether publicly or privately owned, shall be under the supervision of an operator whose competency is certified to by the State Department of Health in a grade corresponding to the classification of the water supply system or sewage treatment plant to be supervised. All operators holding valid and effective certificates issued under existing regulations of the State Board of Health on the effective date of this Act may, within the discretion of the State Department of Health, be issued new certificates without examination for any appropriate new classifications that may be established by the regulations adopted hereunder or such certificates may be continued in effect.

Section 5. (1) The State Board of Health, with the advice of the Board of Certification, shall adopt rules and regulations as are reasonably necessary to carry out the intent of this Act. The rules and regulations may include, but are not limited to, provi-

sions establishing standards for classification of water treatment plants, water distribution systems, and sewage treatment plants, provisions establishing qualifications of applicants and procedures for examination of candidates, membership, and duties of the Board of Certification, provisions relating to the renewal, cancellation or revocation of certificates, including the specifications of the grounds therefor, and such other provisions as are necessary for the administration of this Act.

(2) All rules and regulations heretofore adopted by the State Board of Health relating to the certification of operators of water treatment plants, water distribution systems, and sewage treatment plants and on file with the Legislative Research Commission on the effective date of this Act are hereby declared to be in full force and effect until otherwise amended or repealed.

Section 6. On and after one year following the effective date of this Act it shall be unlawful for any person, firm, or corporation, (municipal or private) to operate a water treatment plant, water distribution system or sewage treatment plant unless the competency of the operator who is in direct responsible charge is duly certified to by the State Department of Health under the provisions of this Act. It shall be unlawful for any person to perform the duties of an operator, in direct responsible charge, without being duly certified under the provisions of this Act. The State Department of Health may, however, issue provisional certificates for emergency situations.

Section 7. The State Board of Health is authorized to fix a reasonable schedule of fees and charges by regulation to be paid by applicants for examinations, certificates, and renewal certificates. All such fees and charges and other monies collected by the State Department of Health under the provisions of this Act or the rules and regulations of the State Board of Health shall be paid into the State Treasury and credited to a trust and agency fund to be used by the State Department of Health in carrying out the provisions of this Act.

Section 8. Any person, firm or corporation (municipal or private) violating any provisions of this Act or the rules and regulations adopted thereunder is guilty of a misdemeanor and shall

be punished by a fine of not less than ten dollars nor more than one hundred dollars. Each day of operation in violation of this Act or of the rules and regulations adopted thereunder shall constitute a separate offense.

**HB 323,** AN ACT relating to the practice of optometry.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 320.280 is amended to read:

*(1) Any person licensed to practice optometry in this state shall annually on or before the first day of March renew his license by paying to the board a renewal fee of not more than thirty dollars and by furnishing to the board satisfactory evidence that he has attained an educational program during the preceding year, except an applicant may be excused from the requirement of the annual educational program if he is not engaged in active practice in this state. Satisfactory evidence of attendance or post-graduate study at an institution approved by the board shall be considered sufficient.* [All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the board a renewal certificate upon the payment of a fee of not more than thirty dollars.]

*(2)* Not later than February 15 of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and fee. Application for a renewal shall be upon such form as is prescribed by the board and the optometrist shall furnish the information required by such form.

*(3)* [(2)] Failure to any optometrist to secure his renewal certificate within sixty days after March 1, shall constitute sufficient cause for the board to revoke his license.

**HR 76,** A CONCURRENT RESOLUTION concerning the humane treatment of animals.

WHEREAS, laboratory animals deserve kind treatment in return for the sacrifice they make for human beings, and the happiness given us, and

WHEREAS, it is contrary to christian and civilized standards and beliefs and practices to permit abuse, misuse, and suffering

of defenseless animals whether through neglect, callousness or cruelty, and

WHEREAS, our dogs and animal pets are constantly in danger of being stolen by unscrupulous dog and cat dealers operating unlicensed and uncontrolled; and thousands being so stolen yearly; deprived of food and water, brutally mishandled, and the sick and the well mixed together in filthy shacks and pens; to be sold at public auction to many laboratories, even many tax supported labs, wherein, they are cruelly and painfully treated and used, and killed without any anesthesia, drugs, or human kindness or humane attention, and

WHEREAS, many laboratories continue to supply a high priced market for these stolen animals; and it is essential to stop theft and to regulate the transportation, purchase, sale, and handling of dogs and cats by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use; all of which is immoral and contrary to human decency.

NOW THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That this House does hereby respectfully request the Congress of the United States to enact S. 2322 and H.R. 9743, to stop theft of animals, and control and regulate, transportation, sale and purchase and use of dogs and cats for lab and research use and procedures; and further, to enact the companion bills, S. 1071 and H.R. 5647, requiring humane treatment of experimental animals and embodying the following fundamental provisions:

1. Individual licensing of scientists using animals;
2. Unannounced inspection by qualified inspectors;
3. Pain limitation outlawing severe, prolonged pain;
4. Painless work by students;
5. Humane care and housing;
6. Adequate records of the experimental plans and of the animals.

Section 2. That this House support and endorse the above named bills now pending in Congress; and also endorse all necessary and needed humane legislation relative to dogs, cats and other animals; as concerns theft, sale, purchase, use, care, (abandonment) cruel and inhumane treatment, beating, wounding, careless, reckless, wilful, and intentional killing; and necessary use of anesthesia, drugs and humane post-operative care, of all such animals so used and subjected to experimental procedures and research by all laboratories and all personnel so engaged, in our State; and/or such bills as are now introduced or shall during this session be introduced.

**SB 24,** AN ACT relating to the Advisory Council on Mental Retardation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 210.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be established an Advisory Council on Mental Retardation attached to the Department of Mental Health.

(2) The Advisory Council on Mental Retardation shall be composed of *the Commissioner of Mental Health, ex-officio and nine* [five] members, appointed by the Governor for terms of four years. Members shall serve until their successors are appointed. The board shall elect from its membership a chairman. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(3) The Advisory Council on Mental Retardation shall act in an advisory capacity to the Commissioner of Mental Health in regard to the mental retardation program.

Section 2. Whereas, the implementation of programs and construction of facilities for the benefit of the mentally retarded require extended participation of interested citizens, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Labor reported **HB 114** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 114,** AN ACT relating to Social Security for public employees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 61.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby established a special fund to be known as the Contribution Fund. Such fund shall consist of and there shall be deposited therein:

(a) all contributions, interest, and penalties collected under KRS 61.450 and 61.460;

(b) all moneys appropriated or otherwise contributed thereto;

(c) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund;

(d) interest earned upon any moneys in the fund, and

(e) all sums recovered from the bond of the custodian or otherwise for losses sustained by the fund, and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of KRS 61.410 to 61.500, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of KRS 61.410 to 61.500.

(2) The Contribution Fund shall be a trust and agency fund which shall not lapse and shall be held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purposes of KRS 61.410 to 61.500. Withdrawals from such fund shall be made for, and solely for

(a) payment of amounts required to be paid to the Secretary of the Treasury pursuant to an agreement entered into under KRS 61.430;

(b) payment of refunds provided for in subsection (3) of KRS 61.450; [and]

(c) refunds of overpayments, not otherwise adjustable, made by a political subdivision [.] *; and*

*(d) for payment of administrative costs for the administration of KRS 61.410 to 61.500 to the extent of the interest earned on investments of the Contribution Fund.*

(3) From the Contribution Fund the custodian of the fund shall pay to the Secretary of the Treasury such amounts at such time or times as may be directed by the state agency in accordance with any agreement entered into under KRS 61.430.

(4) The Treasurer of the state shall be ex-officio treasurer and custodian of the Contribution Fund and shall administer such fund in accordance with the provisions of KRS 61.410 to 61.500 and the directions of the state agency, and shall pay all warrants drawn upon the fund in accordance with the provisions of this section and with such regulations as to state agency may prescribe pursuant thereto.

The Committee on Labor reported **HB 316** with Committee Substitute attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 316,** AN ACT relating to wages and hours.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 337.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means Commissioner of Labor; and

(b) "Department" means Department of Labor.

(2) KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the Federal Railway Labor Act, the Federal Safety Appliance Act, the Federal Railroad Mediation Act, the Interstate Commerce Commission or the Kentucky Public Service Commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work.

(3) As used in KRS 337.210 to 337.360 unless the context requires otherwise:

(a) "Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered:

(b) "Minor" means a person of either sex under the age of twenty-one years;

(c) "Occupation" means an industry, trade, or business or branch thereof or class of work therein in which *employees* [women or minors] are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm;

(d) "Oppressive and unreasonable wage" means a wage that is both less than the fair and reasonable value of the service rendered and less than sufficient to meet the minimum cost of living necessary for health; and

(e) "Woman" means a female of twenty-one or over.

*(f) "Employer" is any person who employs an employe and includes any person acting directly or indirectly in the interest of an employer in relation to an employe.*

*(g) "Employe" is any person employed by or suffered or permitted to work for an employer.*

(4) KRS 337.210 to 337.360 shall not apply to any person subject to regulation by the Public Service Commission.

(5) As used in KRS 337.510 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost most than five hundred dollars;

(b) "Contractor" and "Subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent skilled laborers, workmen, mechanics, helpers, assistants and apprentices to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, mechanics, helpers, assistants and apprentices may be obtained in sufficient numbers to perform the work. "Locality" with respect to contracts with the Department of Highways of this state may, in the discretion of the Commissioner of Highways, be construed to include two or more adjacent counties from which laborers, workmen, mechanics, helpers, assistants and apprentices may be reasonably accessible for work on such construction;

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or works constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

(6) KRS 337.510 to 337.550 shall not apply to the construc-

tion of public works in any case where the Federal Government or any of its agencies furnishes by loans or grants any part of the funds used in constructing such improvements, if the Federal Government or its agencies prescribe predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvement.

Section 2. Section 337.210 of the Kentucky Revised Statutes is amended to read as follows:

Any contract for employment of any *employee* [woman or minor] in this state at an oppressive and unreasonable wage is void as against public policy.

Section 3. Section 337.220 of the Kentucky Revised Statutes is amended to read as follows:

Upon the petition of fifty or more residents of this state the commissioner or his authorized representative shall make an investigation of the wages being paid to *employees* [women and minors] in any occupation to ascertain whether any substantial number of them are receiving oppressive and unreasonable wages. If, on the basis of information in the possession of the commissioner, with or without a special investigation, he believes that an essential number of them are receiving oppressive and unreasonable wages he shall request the Governor to appoint a wage board *to make recommendations to the commissioner* [upon the establishment of minimum fair rates for such women and minors].

Section 4. Section 337.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) A wage board appointed by the Governor shall be composed of three disinterested persons representing the public, one of whom shall be designated chairman, three persons representing employers in the occupation and three persons representing the employes in the occupation. The representatives of employers and employes shall be appointed, as far as practicable, from nominations submitted by employers and employees in the occupation. Two-thirds of the members shall constitute a quorum, and the recommendations or report of the board shall require a vote of the majority of all members present. The

commissioners from time to time shall establish regulations not inconsistent with this section, governing the mode of procedure.

(2) A wage board may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the chairman of the wage board, and shall be served and have the same effect as if issued out of the circuit court. A wage board may cause deposition of witnesses residing within or without this state to be taken in the manner prescribed for like depositions in civil actions in the circuit court.

(3) The commssioner shall present to a wage board promptly upon its organization all the evidence and information in his possession relating to the wages of *employees* [women and minors] in the occupation for which the wage board was appointed, and all other information which the commissioner deems relevant to the establishment of a minimum fair wage for such *employees* [women and minors], and shall cause to be brought the board any witnesses he deems material. A wage board may summon other witnesses or call upon the commissioner to furnish additional information to aid it in its deliberations.

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as a minimum fair-wage standard for the *employees* [women and minors] in the occupation, the wage standards of which it was appointed to investigate. If its report is not submitted within sixty days the commissioner may request the Governor to appoint a new wage board.

(5) A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair-wage rates for different classes of employment. A wage board may also recommend minimum fair-wage rates varying with localities if in its judgment conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality.

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation. This scale may

be less than the regular minimum fair-wage rates recommended for experienced *employes* [women or minor workers] in that occupation.

(7) In addition to its wage report, a wage board may separately recommend any administrative regulations it considers appropriate to safeguard the minimum fair-wage standards recommended in its report.

Section 5. Section 337.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) For any occupation for which minimum fair-wage rates have been established, the commissioner may issue to any *employe* [woman or minor], including a learner or apprentice, whose earning capacity is impaired by age or physical deficiency or injury, a special license authorizing employment at wages less that the minimum fair-wage rates and for a period of time fixed by the commissioner and stated in the license.

Section 6. Section 337.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every employer [of women and minors] shall keep a record of:

(a) The ages of all minors in his employ;

(b) The amount paid each pay period to each *employe* [woman and minor];

(c) The hours worked each day and each week by each *employe* [woman and minor]; and

(d) Such other information as the commissioner requires.

(2) Such records shall be kept on file for at least one year after entry. They shall be open to the inspection and transcript of the commissioner or his authorized representatives at any reasonable time, and every employer shall furnish to the commissioner or his authorized representative on demand a sworn statement of them. The commissioner may require the statement to be upon forms prescribed or approved by him.

Section 7. Section 337.330 of the Kentucky Revised Statutes is amended to read as follows:

Every employer subject to a minimum fair-wage order, directory, or mandatory, shall keep a copy of the order posted in a conspicuous place in every room in which *employes* [women or minors] are employed. Employers shall be furnished copies of orders on request without charge.

Section 8. Section 337.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) No employer or his agent shall discharge or in any manner discriminate against any employe because he has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any investigation or proceeding under or related to KRS 337.210 to 337.360 or because the employer believes he may serve on any wage board or may testify before any wage board or in any investigation or proceeding under KRS 337.210 to 337.360.

(2) No employer or his agent shall pay or agree to pay to any *employe* [woman or minor] less than the rates applicable under a mandatory minimum fair-wage order.

Section 9. Section 337.360 of the Kentucky Revised Statutes is amended to read as follows:

If any *employe* [woman or minor worker] is paid by his employer less than the minimum fair-wage to which he is entitled under a mandatory minimum fair-wage order he may recover in a civil action the full amount of the minimum wage less any amount actually paid to him by the employes together with costs and such reasonable attorney's fees as are allowed by the court. Any agreement between him and his employes to work for less than the mandatory minimum fair-wage shall be no defense to the action. At the requisition of any *employe* [woman or minor worker] paid less than the minimum wage to which he was entitled under a mandatory order, the commissioner may take an assignment of the wage claim in trust for the assigning employe and may bring any legal action necessary to collect the claim. The employer shall be required to pay the costs and such reasonable attorney's fees as are allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action.

**Committee Substitute, HB 316,** AN ACT relating to wages and hours.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 337.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means Commissioner of Labor; and

(b) "Department" means Department of Labor.

(2) KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the Federal Railway Labor Act, the Federal Safety Appliance Act, the Federal Railroad Mediation Act, the Interstate Commerce Commission or the Kentucky Public Service Commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work.

(3) As used in KRS 337.210 to 337.360 unless the context requires otherwise:

(a) "Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered;

(b) "Minor" means a person of either sex under the age of twenty-one years;

(c) "Occupation" means an industry, trade, or business or branch thereof or class of work therein in which *employes* [women or minors] are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm;

(d) "Oppressive and unreasonable wage" means a wage that is both less than the fair and reasonable value of the services

rendered and less than sufficient to meet the minimum cost of living necessary for health; [and]

(e) "Woman" means a female of twenty-one years or over; [.]

*(f) "Employer" is any person who employs an employe and includes any person acting directly or indirectly in the interest of an employer in relation to an employe; and*

*(g) "Employe" is any person employed by or suffered or permitted to work for an employer.*

(4) KRS 337.210 to 337.360 shall not apply to any person subject to regulation by the Public Service Commission.

(5) As used in KRS 337.510 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than five hundred dollars;

(b) "Contractor" and "Subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent skilled laborers, workmen, mechanics, helpers, assistants and apprentices to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, mechanics, helpers, assistants and apprentices may be obtained in sufficient numbers to perform the work. "Locality" with respect to contracts with the Department of Highways of this state may, in the discretion of the Commissioner of Highways, be construed to include two or

more adjacent counties from which laborers, workmen, mechanics, helpers, assistants and apprentices may be reasonably accessible for work on such construction;

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or in any institution supported in whole or in part by public funds, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or works constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

(6) KRS 337.510 to 337.550 shall not apply to the construction of public works in any case where the Federal Government or any of its agencies furnishes by loans or grants any part of the funds used in constructing such improvements, if the Federal Government or its agencies prescribe predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvement.

Section 2. Section 337.210 of the Kentucky Revised Statutes is amended to read as follows:

Any contract for employment of any *employe* [woman or minor] in this state at an oppressive and unreasonable wage is void as against public policy.

Sestion 3. Section 337.220 of the Kentucky Revised Statutes is amended to read as follows:

Upon the petition of fifty or more residents of this state the commissioner or his authorized representative shall make an investigation of the wages being paid to *employes* [women or minors] in any occupation to ascertain whether any substantial number of them are receiving oppressive and unreasonable wages. If, on the basis of information in the possession of the commissioner, with or without a special investigation, he believes that an essential number of them are receiving oppressive and unreasonable wages he shall request the Governor to appoint a

wage board *to make recommendations to the commissioner* [upon the establishment of minimum fair rates for such women or minors].

Section 4. Section 337.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) A wage board appointed by the Governor shall be composed of three disinterested persons representing the public, one of whom shall be designated chairman, three persons representing employers in the occupation and three persons representing the employes in the occupation. The representatives of employers and employes shall be appointed, as far as practicable, from nominations submitted by employers and employes in the occupation. Two-thirds of the members shall constitute a quorum, and the recommendations or report of the board shall require a vote of a majority of all members present. The commissioner from time to time shall establish regulations not inconsistent with this section, governing the mode of procedure.

(2) A wage board may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the chairman of the wage board, and shall be served and have the same effect as if issued out of the circuit court. A wage board may cause depositions of witnesses residing within or without this state to be taken in the manner prescribed for like depositions in civil actions in the circuit court.

(3) The commissioner shall present to a wage board promptly upon its organization all the evidence and information in his possession relating to the wages of *employes* [women or minor workers] in the occupation for which the wage board was appointed, and all other information which the commissioner deems relevant to the establishment of a minimum fair wage for such *employes* [women and minors], and shall cause to be brought before the board any witnesses he deems material. A wage board may summon other witnesses or call upon the commissioner to furnish additional information to aid it in its deliberations.

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as a minimum fair-wage standard for the *employes* [women and minors] in the occupation, the wage standards of which it was appointed to investigate. If its report is not submitted within sixty days the commissioner may request the Governor to appoint a new wage board.

(5) A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair-wage rates for different classes of employment. A wage board may also recommend minimum fair-wage rates varying with localities if in its judgment conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality.

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation. This scale may be less than the regular minimum fair-wage rates recommended for experienced *employes* [women and minor workers] in that occupation.

(7) In addition to its wage report, a wage board may separately recommend any administrative regulations it considers appropriate to safeguard the minimum fair-wage standards recommended in its report.

Section 5. Section 337.260 of the Kentucky Revised Statutes is amended to read as follows:

For any occupation for which minimum fair-wage rates have been established, the commissioner may issue to any *employe* [woman or minor], including a learner or apprentice, whose earning capacity is impaired by age or physical deficiency or injury, a special license authorizing employment at wages less than the minimum fair-wage rates and for a period of time fixed by the commissioner and stated in the license.

Section 6. Section 337.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every employer [of women or minors] shall keep a record of:

(a) The ages of all minors in his employ;

(b) The amount paid each pay period to each *employe* [woman and minor];

(c) The hours worked each day and each week by each *employe* [woman and minor]; and

(d) Such other information as the commissioner requires.

(2) Such records shall be kept on file for at least one year after entry. They shall be open to the inspection and transcript of the commissioner or his authorized representative at any reasonable time, and every employer shall furnish to the commissioner or his authorized representative on demand a sworn statement of them. The commissioner may require the statement to be upon forms prescribed or approved by him.

Section 7. Section 337.330 of the Kentucky Revised Statutes is amended to read as follows:

Every employer subject to a minimum fair-wage order, directory or mandatory, shall keep a copy of the order posted in a conspicuous place in every room in which *employes* [women or minors] are employed. Employers shall be furnished copies of orders on request without charge.

Section 8. Section 337.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) No employer or his agent shall discharge or in any manner discriminate against any employe because he has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any investigation or proceeding under or related to KRS 337.210 to 337.360 or because the employer believes he may serve on any wage board or may testify before any wage board or in any investigation or proceeding under KRS 337.210 to 337.360.

(2) No employer or his agent shall pay or agree to pay to any [woman or minor] employe less than the rates applicable under a mandatory minimum fair-wage order.

Section 9. Section 337.360 of the Kentucky Revised Statutes is amended to read as follows:

If any *employe* [woman or minor worker] is paid by his employer less than the minimum fair-wage to which he is entitled under a mandatory minimum fair-wage order he may recover in a civil action the full amount of the minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as are allowed by the court. Any agreement between him and his employer to work for less than the mandatory minimum fair-wage shall be no defense to the action. At the requisition of any *employe* [woman or minor worker] paid less than the minimum wage to which he was entitled under a mandatory order, the commissioner may take an assignment of the wage claim in trust for the assigning employe and may bring any legal action necessary to collect the claim. The employer shall be required to pay the costs and such reasonable attorney's fees as are allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action.

The Committee on Legislative Affairs reported **HR 71** and **HB 454** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 71,** A CONCURRENT RESOLUTION requesting and petitioning the Governor of the Commonwealth of Kentucky to call a special session of the General Assembly.

WHEREAS, a disproportionate amount of the work of this 1966 session of the General Assembly lies before it because only a few pieces of major legislation have been completed; and

WHEREAS, approximately eight hundred bills and resolutions demand the attention of members during the usual regular session of the General Assembly; and

WHEREAS, any proposal to change the Constitution of Kentucky deserves the most thoughtful consideration; and

WHEREAS, special attention should be devoted to the important proposals of the Constitution Revision Assembly; and

WHEREAS, such matters are best considered separate and apart from general legislation; and

WHEREAS, the Constitution Revision Assembly deliberated over a period of twenty-two months before completing its work; and

WHEREAS, the legislative branch of government should have ample time to consider the proposed revision without the distractions of more routine matters; and

WHEREAS, the proposed Constitution is the most important piece of legislation in the history of Kentucky; and

WHEREAS, its provisions will control the pattern of the lives of all Kentuckians for years to come;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Governor of the Commonwealth of Kentucky is requested and petitioned to call a special session of the General Assembly of the Commonwealth of Kentucky to meet as soon as practicable after the adjournment of the regular session for the purpose of consideration of any proposal to amend or revise the Constitution of the Commonwealth of Kentucky.

**HB 454**, AN ACT creating a Legislative Audit Committee; establishing the duties and powers of the committee and legislative auditor; appropriating funds to operate the committee and carry out its functions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The intent of this Act is to insure the postauditing of each agency of the state government for the purpose of furnishing the legislature with factual information necessary to the discharge of its legislative duties. The General Assembly finds that adequate information is not available for each session through which the members of the legislature can determine the needs of the various agencies and departments of the state government, and the postauditing of each agency will furnish necessary information. The General Assembly also finds that the legislative session is not adequate time in which to review

the financial operations of each agency. It is the intent of this Act to provide the legislature with adequate factual information by which to exercise its valid powers.

Section 2. The President Pro Tem of the Senate, Speaker of the House, chairman of the Senate Appropriation Committee, and chairman of the House Appropriation Committee, elected at each session of the legislature, the Senate Minority Floor Leader and the House Minority Floor Leader constitute the Legislative Audit Committee. The Speaker of the House shall be chairman and the President Pro Tem of the Senate vice-chairman of the committee. The members of the committee shall serve until their successors are named and elected. If either presiding officer desires, he may, instead of his own membership on the committee, appoint to the committee an additional member of the house over which he presides. In case of a vacancy by a member of the Senate, the President Pro Tem of the Senate shall choose a successor. In case of a vacancy by a member of the House, the Speaker of the House shall choose a successor. If the President Pro Tem of the Senate becomes incapacitated or resigns the remaining committee members from the Senate shall choose a successor. If the Speaker of the House becomes incapacitated or resigns the remaining committee members from the House shall choose a successor.

Section 3. (1) The committee shall study and examine expenditures of state agencies. The committee may organize and adopt rules for the conduct of its business and do whatever else it considers necessary or advisable to carry out the purposes of this Act.

(2) The committee may engage such accounting and consulting firms, specialists, technicians or other persons as are deemed necessary for the performance of its duties.

(3) The committee may adopt rules and prescribe procedures for the conduct of its affairs.

(4) The committee may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and to have the deposition of witnesses taken in the manner prescribed by law

for taking depositions in civil actions. If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter regarding which he may be lawfully interrogated, the Court of Appeals may on application of the committee compel obedience by proceedings for contempt in the same manner as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the committee by its order, other than an officer or employee of the state, is entitled to the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the committee.

Section 4. Legislative auditor. The committee shall examine persons to serve as auditor as to qualifications and ability, and upon completion of the examination, place the name of the person selected in nomination before the legislature or the Legislative Research Commission for appointment as legislative auditor.

Section 5. The legislative auditor shall be qualified in public finance or government administration, with at least five years' appropriate experience prior to his appointment. The name of the person nominated by the committee as legislative auditor shall be presented to the legislature or Legislative Research Commission for appointment. The legislative auditor shall serve at the pleasure of the legislature, and when the legislature is not in session, he may be removed for cause by a majority recommendation of the committee, approved by the Legislative Research Commission, after notice by and public hearing before the committee or Legislative Research Commission. If a vacancy in the position of legislative auditor occurs when the legislature is not in session, the position may be filled by the Legislative Research Commission upon recommendation of the committee.

Section 6. Upon appointment, the legislative auditor shall execute a bond, to cover his official acts, in the sum of $10,000 conditioned upon the faithful discharge of his duties, with a surety company authorized to do business in the state. The state shall pay the premium on the bond.

Section 7. The committee may direct the legislative auditor to:

(1) Perform an audit of any accounts, books and other financial records of the state government, or an officer of the state, every department, board, bureau, institution, commission, agency, or other unit, and prepare a written report of the audit for presentation to the committee;

(2) Examine and audit any fiscal books, records and accounts of custodians of public funds, and of disbursing officers of the state, making independent verification of all assets, liabilities, revenues and expenditures of the state and agencies of the state;

(3) Perform audit of any agency, private or semi-private agency or organization receiving state funds, except as provided in Section 19 of this Act;

(4) Require the assistance of any executives and officials, auditors, accounts, and other employees of any agency at any time in the inspection, examination and audit of books, accounts and records.

Section 8. In the course of his investigations and studies, the legislative auditor may ascertain the amount on deposit in any bank belonging to the agency audited, and may audit the account on the books of the bank. No bank is liable for making available to the legislative auditor any of the information required under this section.

Section 9. This Act does not authorize or permit the publication of information prohibited by law.

Section 10. (1) The committee shall file copies of its approved audit reports together with the committee's recommendations with the Governor. The committee shall file an annual report with the Governor not later than September 1. Each annual report shall contain a copy of the audit reports on the various agencies or the substance of the audit reports and a summary of recommendations made in regard to them. Each annual report shall be open to public inspection after it is filed with the General Assembly, except that the portion of the

annual report containing recommendations, comments and narrative statement shall be released only upon the approval of a majority vote of the committee.

(2) No audit report or recommendation shall be released or filed for public inspection until the Governor has received a copy of and has been given a period of thirty days to review and explain any deficiencies or discrepancies noted therein. Any written reply shall be filed with the report.

Section 11. Recommendations submitted by the legislative auditor shall be confined to seeing that the laws adopted by the General Assembly dealing with the expenditure of public money are carefully observed, and that the attention of the General Assembly is directed to cases of apparent violations of the law and to those instances where there is need for change of existing laws or the passage of new laws to obtain the efficient spending of public funds, and to the manner or form of appropriations which will avoid any improper expenditure of money.

Section 12. A member of the General Assembly may, by written request and by written notice of at least six days, request the committee to direct a special audit of any state agency, unit or program. Upon the vote of the majority of the committee approving the request, the legislative auditor shall make the audit.

Section 13. The legislative auditor shall keep a complete, accurate and adequate set of fiscal transactions of the division of legislative audit. He shall keep a complete file of copies of all audit reports, examinations, investigations, and other reports or releases issued by his office, and a complete file of audit work papers and other evidence pertaining to the work of the committee.

Section 14. The legislative auditor shall employ the most efficient personnel available. It is the intention and desire of the General Assembly to free the legislative auditor and his staff from partisan politics. The auditor and the staff shall not engage in or be associated with any partisan political activity.

Section 15. The legislative auditor may not serve in any ex officio capacity on any administrative board or commission,

or have a financial interest in the transactions of any agency.

Section 16. The salary of the legislative auditor shall be established by the legislature or the Legislative Research Commission at not more than $17,500 per year. Other employees of the committee shall be paid in the same manner and through the same procedure used for the payment of salaries of other state employees. All employees shall be covered by the State Merit System and classification and pay plan.

Section 17. There is hereby appropriated out of the General Expenditure Fund in the State Treasury to the Legislative Audit Staff the sum of $40,000 for the fiscal year 1966-67 and $50,000 for the fiscal year 1967-68.

Section 18. Effective date. This Act shall become effective July 1, 1966.

The Committee on County Government reported **HB 422, HB 349, HB 378** and **HB 106** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 422,** AN ACT relating to compensation of county commissioners.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 67.110 is amended to read:

Each county commissioner serving on a fiscal court may be paid out of the county treasury the following compensation for his services:

(1) In counties containing a city of the first class, a salary of five thousand dollars per annum, payable monthly;

(2) In counties containing a city of the second class, *the fiscal court may pay* a salary of *up to five* [four] thousand dollars, payable monthly;

(3) In counties not containing a city of the second class but having a population of 75,000 or over, a salary of three thousand six hundred dollars, payable monthly;

(4) In counties containing a city of the third or fourth class and population is under 75,000, a salary of not more than two thousand eight hundred dollars per annum, payable monthly;

(5) In other counties, the same compensation per day is justices of the peace receive under KRS 64.530.

**HB 349,** AN ACT relating to compensation of county officers and employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 64.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the fiscal court of each county shall fix the compensation of every county officer and employe except the officers named in KRS 69.005. For the purposes of this section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section. In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 69.005 may receive, from both sources, and also shall have authority to fix the number of deputies and assistants, and the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. In the case of county officers elected by popular vote, the compensation of any such officer, and of his deputies and assistants, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by the law in force and effect on November 1, 1949. In the case of county officers elected by popular vote, for terms commencing after June 30, 1950, the annual compensation of the officer [and of his deputies and

assistants] shall be fixed by the fiscal court not later than the first Monday in May in the year in which such officers are elected, and shall not be changed during the term.

(2) Nothing in this section shall apply to county tax commissioners or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(3) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed fifteen dollars per day for each day of actual attendance of the meetings of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but with the exception of the terms that are being served on June 30, 1950, no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first, second, third or fourth class shall continue to be limited as provided in subsections (1), (2), (3) and (4) of KRS 67.110, and nothing in KRS 64.480 to 64.760 is intended to authorize any change in such compensation during the term of any member. County commissioners or justices of the peace shall not receive any compensation for their services on the fiscal court, other than as provided in this section or subsections (1), (2), (3) and (4) of KRS 67.110, nor shall they receive any compensation for serving on committees of the fiscal court.

(4) Circuit court clerks in counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for circuit court clerks of this Commonwealth, provided fees or funds for this purpose are sufficient. The first deputy shall be allowed to receive a salary not to exceed $6600 per year; the second deputy shall be allowed to receive a salary not to exceed $5400 per year and other deputies shall be allowed to receive a salary not to exceed $4800 per year. Each circuit clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

**HB 378,** AN ACT amending Section 80.690 of the Kentucky Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 80.690 is amended to read:

Complaints or orders issued by a public officer pursuant to an ordinance adopted under KRS 80.620 to 80.720 shall be served upon persons either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the city, or, in the absence of such newspaper, in one of general circulation in the city in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and shall be recorded in the office of the *county* [circuit] clerk of the county wherein the dwelling is located.

**HB 106,** AN ACT relating to the compensation of sheriffs for collecting taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 134.290 is amended to read:

*(1) In counties where the state taxes charged to the sheriff for the year are less than $75,000, he shall be allowed by the Department of Revenue, for collecting such taxes, a commission of ten per cent upon the first $10,000 and four per cent upon the residue. In all other counties, he shall be allowed ten per cent upon the first $5,000 and four per cent upon the residue.* [The sheriff shall be allowed by the Department of Revenue, for collecting state taxes, a commission of ten percent upon the first ten thousand dollars in counties having an annual tax assessment of $35,000,000 or less and in all other counties ten percent upon the first five thousand dollars, and in all counties four

percent upon the residue collected or accounted for and paid into the State Treasury in each year.]

(2) *In counties where county taxes and special district taxes, excluding school taxes, charged to the sheriff for the year are less than $150,000, he shall be allowed by the county treasurer for collecting such taxes ten per cent upon the first $10,000 and four per cent upon the residue. In all other counties, he shall be allowed ten per cent upon the first $5,000 and four per cent upon the residue.* [He shall be allowed by the county treasurer, for collecting the county revenue, ten percent upon the first ten thousand dollars collected, in counties having an annual tax assessment of $35,000,000 or less and in all other counties ten percent upon the first five thousand dollars, and in all counties four percent upon the residue.

(3) In counties containing a population of less than seventy-five thousand, the aggregate annual compensation of the sheriff for official services shall not exceed seven thousand two hundred dollars, independent of the compensation of legally authorized deputies and assistants and reasonable expenses as limited by the fiscal court.]

The Committee on Veterans and Military Affairs reported **HB 248** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 248**, AN ACT relating to re-employment of public employees performing Military Duty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Public employee" means a person appointed to a position in public service for which he is compensated on a full time basis, excluding elected officers;

(2) "Public service" means employment by the Commonwealth of Kentucky, or by any county, city, or political subdivision or by any department, board, agency, or commission thereof;

(3) "Employer" means the officer, employee, board, commission or agency authorized by law to make appointments to a position in public service;

(4) "Position" means an office or employment in the public service, excluding an office filled by popular election;

(5) "Military duty" means training and service performed by an inductee, enlistee, or reservist or any entrant into a temporary component of the armed forces of the United States, and time spent in reporting for and returning from such training and service, or if a rejection occurs, from the place of reporting therefor. "Military duty" shall not include voluntary active duty for training of an individual as a reservist in the armed forces of the United States;

(6) "Board" means the Personnel Board established by Chapter 18 of the Kentucky Revised Statutes;

(7) "Seniority" means the increase in compensation, status, and responsibility resulting from promotion or step progression within a class of a classified service or promotion or increase in compensation, status, and responsibility in the unclassified service.

Section 2. (1) Any public employee who leaves a position after the effective date of this Act, voluntarily or involuntarily, in order to perform military duty, and who is relieved or discharged from such duty under conditions other than dishonorable, and who has not been absent from public employment due to military duty in time of war or national or state emergency for a period of time longer than the duration of the war or national or state emergency plus six months or in time of peace for a period of time not longer than six years, and makes application for re-employment within 90 days after he is relieved from military duty or from hospitalization or treatment continuing after discharge for a period of not more than one year:

(a) if still physically qualified to perform the duties of his position, shall be restored to such position if it exists and is not held by a person with greater seniority, otherwise to a position of like seniority, status and pay;

(b) if not qualified to perform the duties of his position by reason of disability sustained during such service, the public

employee shall be placed in another position, the duties of which he is qualified to perform and which will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances of his case.

(2) In the case of any person who is entitled to be restored to a position in accordance with this Act, if the Personnel Board finds that the department or agency with which such person was employed immediately prior to his military duty:

(a) is no longer in existence and its functions have not been transferred to any other agency; or

(b) for any reason it is not feasible for such person to be restored to employment by the department or agency, the board shall determine whether or not there is a position in any other department or agency of the same public employer for which the person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the board determines that there is such a position, the person shall be restored to the position by the department or agency in which the position exists.

Section 3. Any person who is restored to a position in accordance with this Act shall not be discharged from his position without cause within one year after his restoration, and shall, without limiting other rights conferred by this or other sections, be considered as having been on furlough or leave of absence during his period of military duty. He shall be restored without loss of seniority, including, upon promotion or other advancement following completion of any period of employment required therefor, a seniority date in the advance position which will place him ahead of all persons previously junior to him who advanced to the position during his absence in the armed forces.

Section 4. Any employee who holds a position in the public service shall be granted a leave of absence for the purpose of being inducted or otherwise entering military duty. If not accepted for such duty, the employee shall be reinstated in his position without loss of seniority or status, or reduction in his rate of pay. During the period the employee shall for all purposes be considered to have rendered service and to have been compensated therefor at his regular rate of pay.

Section 5. The Board shall adopt regulations to carry out the provisions of this Act in accordance with KRS Chapter 13. Any public employee who is not restored to a position, or who is discharged without cause within one year after restoration, may appeal to the board for review. Upon review, both the employee and the employer may be represented by counsel. Technical rules as to admission of evidence shall not apply. If the board finds that the employer has violated the provisions of this Act or regulations promulgated thereunder, it shall direct the employer to comply with the provisions and to compensate the employee for loss of pay suffered by reason of the violation; except any amount received by the employee during the period from his discharge to reinstatement from other public employment, unemployment compensation, or readjustment allowances from a public agency shall be deducted from such compensation.

Section 6. KRS 61.555 is amended to read:

(1) Any member entering the armed forces of the United States after he first participates in the system, being on leave of absence from service and not withdrawing his accumulated contributions, shall be entitled to have credited as service his period of service in the armed forces of the United States, not to exceed six years, *if* [provided] his discharge therefrom is honorable and he is re-employed within *two years* [one year] after discharge, or upon the subsequent termination of any total disability which existed at the expiration of *the two years* [said year] after discharge.

(2) Any member of the system who, prior to the date he first participated in the system, terminated his employment in order to enter the armed forces of the United States and who was or is re-employed within *two years* [one year] after his honorable discharge therefrom, or upon the subsequent termination of any total disability which existed at the expiration of *the two years* [said year] after discharge, shall be entitled to have credited as service his period of service in the armed forces, not to exceed six years.

Section 7. KRS 61.370 is repealed.

The Committee on Veterans and Military Affairs reported

**HB 326** and **HB 330** with the expression of opinion that the same should not pass.

The Committee on Municipalities reported **HB 118, HB 201, HB 261, HB 352, HB 391** and **SB 41** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 118,** AN ACT relating to the salaries of mayors and commissioners in certain cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 89.480 of the Kentucky Revised Statutes is amended to read:

(1) In cities of the second class the mayor shall receive an annual salary of [not less than $1,800 and] not more than *$7,200* [$3,000], and each commissioner shall receive an annual salary of [not less than $1,500 and] not more than *$6,000* [$2,500], to be fixed by the City Legislative Body.

(2) In cities of the third and fourth classes the mayor shall receive an annual salary of not more than $750, and each commissioner shall receive an annual salary of not more than $500.

(3) In cities of the [second,] third and fourth classes the board of commissioners may reduce the annual salary of the mayor or the commissioners to an amount not less than one dollar.

**HB 201,** AN ACT relating to the election of commissioners in cities of the second, third, fourth, fifth and sixth classes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 89.050 is amended to read:

(1) At the regular November election in the year following the year in which the election is held pursuant to KRS 89.030, two commissioners shall be elected by the qualified voters in cities of the second and third classes, and four commissioners

shall be elected by the qualified voters in cities of the fourth class. In cities of the second, [and] third *and fourth* classes the commissioners shall serve for terms of *four* [two] years. [, except that] If the election on the question of adopting the commission form of government in a city of the *second or* third class was held in an odd year, *of* the commissioners first elected *one* shall serve for *a term* [terms] of [only] one year *and one for a term of three years. If the election on the question of adopting the commission form of government in a city of the second or third class was held in an even year, of the commissioners first elected, one shall serve for a term of two years and one for a term of four years.* In cities of the fourth class, [the commissioners shall serve four terms of four years, except that] if the first election for commissioners does not occur at the same time as the election of mayor and police judge, the commissioners then elected shall serve for terms expiring with that of the mayor and police judge *and at the next election two commissioners shall be elected for a term of two years and two for a term of four years.* The terms of the commissioners in cities of the second, third and fourth classes shall begin on the first Monday in January following their election. Commissioners shall be elected at the regular November election prior to the expiration of the terms of the commissioners first elected, and thereafter commissioners shall be elected [every two years, in cities of the second and third classes, and] every four years in cities of the *second, third and* fourth *classes* [class].

*(2) In cities of the second and third classes presently having a commission form of city government, at the next election for mayor one commissioner shall be elected for a four year term and one for a two year term. In cities of the fourth class presently having a commission form of city government, at the next election for mayor, two commissioners shall be elected for four year terms and two for two year terms. Thereafter, all commissioners in cities of the second, third and fourth classes shall be elected for four year terms.*

*(3)* [(2)] A mayor, in cities of the second, third and fourth classes, shall be elected at the regular November election prior to the expiration of the term of the present mayor, and every four years thereafter, and a police judge shall be elected at the

regular November election prior to the expiration of the term of the present police judge, and every four years thereafter. The mayor and police judge shall serve for terms of four years, beginning on the first Monday in January following their election.

*(4)* [(3)] The mayor, police judge and commissioners shall be nominated and elected from the city at large.

Section 2. KRS 89.060 is amended to read:

(1) In cites of the fourth class no person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the regular election day there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day for the primary election, file with the county clerk a petition signed by at least twenty voters, in the following form:

"We the undersigned, qualified voters of the city of_____ _____ and residing each at the place indicated opposite his name, do hereby request that the name of_____be placed on the ballot as that of an applicant for nomination for the office of_____at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character; and he is, in our judgment, qualified for the duties of the office sought by him.

| Name | Number | Street |
|---|---|---|
| | | |
| | | |
| | | |

"

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each

office that is to be filled. If a person signs more than one petition of applicants for nomination for mayor or police judge, or signs the petition of more than four applicants for nomination for commissioners, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing the petitions, the county clerk shall have published for three successive days in the official newspaper of the city, and in such other papers as he may designate, the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are only two applicants for nomination for mayor or police judge, and only *four* [eight] or less for commissioners. In that case such applicants shall thereupon be nominated and their names shall not be placed upon the primary ballot, and no primary election shall be held for nomination for those offices, but the county clerk shall have their names placed on the regular ballot for the general election.

(5) The names of the applicants for each nomination shall be placed on the ballots for the primary election in alphabetical order, with a square at the right of each name. Above the names of the applicants for nomination for mayor or police judge shall be printed the words "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words "Vote for *two* [four]." The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall have delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct at the last preceding election for city councilmen. The persons who are qualified to vote at the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for police judge shall be thereby nominated. The *four* [eight] applicants receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(8) The expenses of the primary election shall be paid by the city.

Section 3. KRS 89.070 is amended to read:

At the regular election following the primary election, in cities of the fourth class, the names of the nominees shall be placed in alphabetical order upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greatest number of votes cast for mayor, the nominee receiving the greatest number of votes cast for police judge, and the *two* [four] nominees receiving the greatest number of votes cast for commissioners, shall be elected, respectively, mayor, police judge and commissioners.

Section 4. KRS 89.320 is amended to read:

*(1)* If the commission form of government is adopted, an election for commissioners shall be held at the regular November election next following the election at which it was voted to adopt the commission form of government [, and at the regular November election every two years thereafter]. If, at the time of the first election for commissioners, the term of the mayor then in office will not expire for two years, there shall be elected two commissioners who, with the mayor, shall constitute the board of commissioners. [Under all other circumstances three commissioners shall be elected.] *At the election preceding the expiration of the term of the mayor then in office one commissioner shall be elected for a four year term and two commissioners shall be elected for two year terms. Thereafter, each commissioner shall be elected for a term of four years beginning the first Monday of the month following his election.*

*(2) In cities of the fifth and sixth classes presently having a commission form of city government, at the next regular elec-*

*tion at which commissioners are elected, one shall be elected for a four year term and two shall be elected for two year terms. Thereafter all terms shall be for four years.*

Section 5. KRS 89.330 is amended to read:

[Each commissioner shall be elected for a term of two years beginning the first Monday of the month following his election.] Each commissioner shall receive an annual salary of not less than twenty-four dollars nor more than three hundred dollars, the exact amount to be decided by the outgoing legislative body and mayor or board of trustees at their meeting before retiring. The commissioners shall within thirty days after their election meet and organize themselves, one to be selected as presiding officer, or mayor, and one to be elected mayor pro tem.

Section 6. KRS 89.430 is amended to read:

(1) In cites of the second and fourth classes, at the first regular election at which the mayor or police judge of the city is elected after the election at which the city manager form of government was adopted, there shall be elected by the qualified voters of the city four commissioners, *two for a term of two years and two for a term of four years,* and a mayor, or police judge, as the case may be.

(2) In cities of the third class, at the first regular election at which the mayor of the city is elected after the election at which the city manager form of government was adopted, there shall be elected by the qualified voters of the city four commissioners, *two for a term of two years and two for a term of four years,* and a mayor. The police judge shall be elected at the same time as he would have been elected if the city manager form of government had not been adopted.

(3) In cities of the second, third and fourth classes the commissioners shall *thereafter* serve for terms of *four* [two] years and the mayor for a term of four years, beginning on the first Monday in January following their election. The police judge shall serve for a term of four years, beginning on the first Monday in January following his election in cities of the second and fourth classes, and on the first Monday in December following his election in cities of the third class. Every second year

after the election at which commissioners were elected, and every fourth year after the election at which a mayor or police judge was elected, a primary election and regular election shall be held in the same manner for the same offices.

(4) The city manager form of government shall become effective and go into operation upon the qualification and installation in office of the mayor, or police judge, as the case may be, and the commissioners.

*(5) In cities of the second, third and fourth classes presently having a city manager form of government, at the next election for mayor two commissioners shall be elected for two year terms and two for four year terms. Thereafter, the terms of all commissioners shall be for four years.*

Section 7. KRS 89.450 is amended to read:

At the regular election following the primary election, the names of the nominees shall be placed upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greater number of votes cast for mayor, the nominee receiving the greater number of votes cast for police judge, and [the four nominees in a city of the second or fourth class, or] the two nominees [, in a city of the third class,] receiving the greater number of votes for commissioners shall be elected, respectively, mayor, police judge and commissioners.

**HB 261**, AN ACT relating to cities of the sixth class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 95.800 is amended to read:

(1) The police in cities of the sixth class shall be under the direction and control of the city marshal.

(2) The marshal shall have the powers of a sheriff for the suppression of any riot, disturbance of the peace, or resistance to law or authority. His lawful orders shall be promptly executed by deputies, police and watchmen of the city, and citzens shall

lend him aid when required for the arrest of offenders and maintenance of public order.

(3) He may execute and return process issued to him by any legal authority. He shall receive the same fees as a constable for the service of process.

(4) He may, with the approval of the board of trustees, appoint deputy marshals. The only compensation of a deputy marshal shall be fees for services of process, which shall be the same as allowed to the marshal. The marshal and his sureties shall be responsible for the acts of his deputies.

(5) He may, with the approval of the board of trustees, appoint additional policemen necessary to preserve public order [ who shall serve for one day only].

(6) He shall have charge of city prisoners, and of the chain gang if one is established by the board of trustees.

(7) He shall prosecute all violations of city ordinances before the police court.

(8) The marshal shall perform such other duties as the city ordinances require.

**HB 352**, AN ACT relating to policemen and firemen's pension fund in cities of the fourth class and providing for civil service in cities of the fourth class.

WHEREAS, certain cities of the fourth class of the Commonwealth of Kentucky, having permanent and full time police and fire departments are subject to periodic political pressures from various political sources.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 95.761 is amended to read:

*(1)* Any city of the fourth class which has now, or in which there may be hereafter established a regular police or fire department in the future, may by ordinance create a civil service commission, whose duties shall be to hold examinations as to the

qualifications of applicants for employment within the police or fire departments.

*(2) A city of the fourth class is authorized to adopt the provisions of KRS 95.520 to 95.620 governing Policemen and Firemen Pension Fund, the same as a city of the third class.*

*(3) A city of the fourth class is authorized to adopt the provisions of KRS 90.300 to 90.420 governing Civil Service, the same as a city of the third class.*

*(4) The Legislative body of the city of the fourth class after adoption of the provisions of KRS 95.520 to 95.620 relating to a Policemen and Firemen Pension Plan, or KRS 90.300 to 90.420 relating to a Civil Service, may not revoke, rescind or repeal these adoptions.*

*(5) (a) The following offices, positions, and places of employment, in the police and fire departments, are excluded from the classified service: The Chief of Police, Assistant Chief of Police, Chief of Firemen and Assistant Chief of Firemen.*

*(b) Any classified employee in either department who shall accept an appointment and qualify as Chief of Police, Assistant Chief of Police, Chief of Firemen, or Assistant Chief of Firemen, shall be deemed to have received a leave of absence from the classified service for, and during the incumbency of, any of said respective positions. Should any such Chief or Assistant Chief, cease to serve as such, the same classification and rank which he had prior to said appointment shall be restored to him.*

**HB 391**, AN ACT establishing retirement and benefit funds for members of the police and fire departments in cities of the third class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. There is hereby established in cities of the third class, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries. The fund shall be established as of July 1, 1966, and shall be known as the "Policemen's and Firemen's Retirement Fund of the City of ----------." In such name all of its

business shall be transacted, all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.

Section 2. The purpose of this Fund is to provide retirement annuities and disability benefits for the members of the police and fire departments who become aged or otherwise incapacitated, and widows' annuities and other benefits to the dependents of such members to the end that such members may accumulate reserves for themselves and their dependents to meet, without prejudice or hardship, the hazards of old age, disability, death, and termination of service, thereby encouraging qualified personnel to enter and remain in the service of such departments.

Section 3. Words and phrases, whenever used in the Act, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(a) "Fund" shall mean the "Policemen's and Firemen's Retirement Fund of the City of _____."

(b) "City" shall mean any city of the third class in the State of Kentucky, or city of the third class which may subsequently attain second class status.

(c) "Department" shall mean the police department or the fire department of a city.

(d) "Board" shall mean the board of trustees provided for herein as the agency responsible for the direction and operation of the affairs and business of the Fund. The board shall hold title to all assets of the Fund.

(e) "Member" shall mean any member of the police or fire department who is included in the membership of the Fund.

(f) "Service" shall mean actual employment in a department of a city for salary or compensation, or service otherwise creditable as herein provided.

(g) "Prior Service" shall mean service rendered prior to the date of establishment.

(h) "Membership service" shall mean service rendered on or after the date of establishment.

(i) "Total service" shall mean prior service, membership service, and military service.

(j) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five years of operation of the Fund the rate shall be three percent per annum, compounded annually.

(k) "Occupational Disability" shall mean disability due to occupational causes, including but not limited to injury or disease. For the purpose of this Act any disease of the heart, lungs and/or respiratory tract shall be considered an occupational disease provided the member passed a physical examination on entrance into the department and was found to be in good health as required.

(l) "Occupational Death" shall mean death due to occupational causes, including but not limited to injury or disease.

(m) "Average salary" shall mean the highest average annual salary of the member for any three consecutive years of service within the total service of the member.

(n) The masculine pronoun, wherever used, shall include the feminine pronoun; also, widow shall include widower.

(o) The fiscal year of the Fund shall date from July 1 of any year to June 30 of the next year following.

(p) "Total Disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely.

Section 4. The following persons shall become members of the Fund:

(a) All active full-time members of a department in service on the day prior to the date of establishment.

(b) All persons who become full-time members on or after the date of establishment who shall become members as a condition of employment.

(c) All members of a department who on the date of establishment are working in a civilian or appointive capacity for the city, the State of Kentucky, or the United States of America, while on an approved leave of absence from a department.

Section 5. (1) Each person becoming a member on the date of establishment shall be entitled to full credit for all service rendered prior to such date. Each person becoming a member after the date of establishment shall be entitled to credit after such date, provided contributions are made for all such subsequent service. Total service shall include prior service and membership service.

(2) The following types of service shall be eligible for service credit:

(a) Service as a full-time member of a department of the city.

(b) Service in a civilian or other capacity in the service of the city, State of Kentucky, of the Federal Government, while on approved leave of absence from a department, subject to maximum credit for such service for one year.

(c) Service in any branch of the armed forces of the United States during a period of national emergency while on leave of absence from a department, provided (1) that such leave-of-absence-service shall not exceed five years, and (2) that such member shall re-enter the service of a department of the city within a period of six months following the date of honorable discharge from such service.

(d) All service rendered in a civilian capacity as provided in Section 4, paragraph (c).

(3) In the computation of service credit, nine months or more of service during a year shall entitle a member for one year of service, six to nine months of service shall constitute three-quarters of a year; three to six months, one-half year; less than three months, one-quarter of a year.

Section 6. Any member may, at his option, retire on a service retirement annuity upon or after attainment of the age of 50 years, provided he shall have completed at least 20 years

of total service. Upon fulfillment of these terms, it is mandatory that the Board shall grant the retirement annuity upon receipt of the application of said member.

Section 7. Any member who withdraws from service prior to age 50 years after having completed at least 20 years of total service, and who does not accept a refund of contributions, shall receive, upon application, a certificate entitling him to a service retirement annuity upon his attainment of age 50, and specifying the amount of the annuity earned and accrued at the date of withdrawal from service.

Section 8. Each member shall be subject to compulsory retirement according to the rules of the city in which he is employed, provided, however, that any member able to perform his assigned duties shall not be precluded from serving at least 20 years.

Section 9. The rate of retirement annuity shall be 2½ percent of average salary, as defined in Section 3 (m) of this Act, for each year of total service up to and including 20 years and one percent of average salary for each additional year, subject to a maximum of 60 percent of average salary. Fractional periods of service shall be considered in the calculation of such annuities according to the aforesaid rate.

Section 10. (1) Upon death of a member due to occupational causes, regardless of length of service, his surviving widow shall be entitled immediately upon cessation of salary to an annuity equal to 50 percent of the member's last rate of salary. This annuity shall be payable until she dies or remarries. In addition, if minor children, under age 18, survive the member, the widow shall receive on account of each child, 10 percent of the member's last rate of salary until each child attains age 18. The combined payments to a widow and minor children shall not exceed 75 percent of his final rate of salary.

(2) If a widow does not survive the member, or if she remarries, and minor children under age 18 exist, each child shall be entitled to an annuity equal to 15 percent of the member's last rate of salary until each child attains age 18, provided

that the combined payments to such children shall not exceed 50 percent of the member's last rate of salary.

(3) If neither a widow nor minor children, eligible for benefits survive the member, each dependent parent shall be entitled to an annuity equal to 25 percent of the member's last rate of salary, or 50 percent to both parents.

Section 11. (1) Upon death of a member occurring while in service, arising from any cause other than in the performance of duty, provided the member has had at least 10 years of total service, his widow shall receive an annuity equal to 1½ percent of average salary for each year of total service, credited to the member, subject to the following conditions:

(a) The widow had been married to the member at least one year prior to his death.

(b) The widow is at least 45 years of age, otherwise payment will be deferred until she attains such age, except that if she is or becomes totally disabled before age 45, or has a minor child or children by the member in her care under age 18, (including adopted children provided the proceedings for adoption were initiated at least one year prior to death of member) payment of the widow's annuity will begin immediately together with an additional allowance on account of the child or children.

(c) The widow's annuity will terminite in any event when the widow remarries. The annuity of each child or children shall continue until each child attains age 18.

(2) If the widow has minor children under age 18, the annuity to the widow shall be increased one-half on account of the first child and one-fourth on account of each additional child, subject to a maximum combined payment to the widow and children of 50 percent of the final rate of salary.

(a) If a widow does not survive the member, or if she remarries, and minor children under age 18 exist, the rate of retirement annuity shall be as provided in Section 10 (2) of this Act.

(3) These benefits shall also be payable upon death of the member while on retirement, provided marriage was in effect for at least one year before retirement.

Section 12. In the event a total and permanent occupational disability occurs, the member shall receive an annuity equal to 60 percent of his last rate of salary. This benefit shall begin at such time as his salary may cease, and shall be paid during his entire lifetime. Upon his death, his eligible widow and minor children, if any, shall receive the benefits as provided under Section 10.

Section 13. (1) Upon total and permanent disability of a member as the result of any cause other than occupational disability, if a member shall have rendered at least 10 years of total service, he shall be entitled to a disability retirement annuity. The amount of such annuity shall be equal to 2½ percent of average salary, as defined in Section (3) (m) of this Act, for each full year of total service, subject to a minimum payment of 25 percent of such average salary, and a maximum payment of 50 percent of average salary. Payment of this annuity shall be made during disability of the member. Upon death of the member, if an eligible widow or minor children survive, such survivors shall be entitled to the regular annuities provided under Section 11 hereof.

(2) Any annuity for non-occupational disability shall begin to accrue upon the expiration of 90 days following the commencement of disability provided that if the member is receiving salary for sick leave for a period of more than 90 days, payment shall accrue from the date such salary ceases. If written application for such annuity shall not have been filed with the Board prior to the expiration of 90 days from date of disability, the annuity shall begin to accrue from the date the application shall be filed but not prior to the expiration of 90 days from the date of disability, nor in any event prior to the time when salary payments to the employe shall have ceased.

Section 14. For the purpose of this Act, a member shall be considered totally and permanently disabled after the Board shall have received written certification by at least two licensed and practicing physicians selected by the Board that the member is totally and likely to be permanently disabled for the further performance of the duties of any assigned position in the service of the department. If upon consideration of the report of such

physicians and such other evidence as shall have been presented to it by the member or others interested therein, the Board finds the member to be totally and permanently disabled, it shall grant him a disability retirement annuity upon written certification that the member has been separated from the service of the city because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the city.

Section 15. (1) Upon death of a member, occurring while in active service, if no widow's annuity or children's annuities are payable, the designated beneficiary of the member or his estate shall be entitled to a death benefit equal to the total contributions made by the member, without interest, or $300.00, whichever is greater.

(2) Upon death of a retired member, if no widow's annuity or children's annuities shall be due or payable, a death benefit shall be paid to the designated beneficiary or estate of the member, equal to the excess, if any, of the total contributions made by the member to this Fund to the date of retirement, without interest, over the total annuity payments received by the member. The minimum payment in such case shall be $300.00. If a widow's annuity or children's annuities are payable after the death of the retired member, the amount of such death benefit, if any, shall be determined upon termination of annuity payments to all survivors of the member, whether such termination occurs by death, remarriage or other cause.

Section 16. (1) Upon withdrawal from service prior to retirement, a member shall be entitled to receive a refund of the amount of contributions made by the member after the date of establishment, without interest.

(2) Any member receiving a refund of contribution shall thereby ipso facto forfeit, waive, and relinquish all accrued rights and benefits in the system, including all credited and creditable service. The Board may, in its discretion, regardless of cause, withhold payment of a refund for a period not to exceed six months after receipt of an application from a member.

(3) Any member who has received a refund shall be con-

sidered a new member upon subsequent re-employment if such person qualifies for membership under the provisions hereof. After the completion of at least five years of continuous membership service following his latest re-employment, such member shall have the right to make a repayment to the system of the amount or amounts previously received as refund, including 6 percent interest from the dates of refund to the date of repayment. Upon the restoration of such refunds, as herein provided, such member shall have reinstated to his account all credited service represented by the refunds of which repayment has been made. Repayment of refunds by any member shall include all refunds received by a member prior to the date of his last withdrawal from service and shall be made in a single sum.

Section 17. Each active member shall contribute a sum equal to 6 percent of current salary. The Director of Finance of the city is hereby authorized to deduct such amount from the salary of each active member in semi-monthly installments. This contribution shall be made as a deduction from salary, notwithstanding that the salary paid in cash to such member may be reduced thereby below the established statutory rate. Every member of the Fund shall be deemed to consent and agree to the deduction from salary as herein provided, and shall receipt for his full salary, and payment to such member of salary less such deduction shall constitute a full and complete discharge and acquittance of all claims and demand whatsoever for the services rendered by such member during the period covered by such payment, except as to the benefits herein provided.

Section 18. The city shall make current contributions to the Fund on an actuarially funded basis, toward the annuities and benefits herein provided. These contributions shall be equal to the sum of the following:

(a) An annual amount resulting from the application of a rate percent of salaries of active members, representing the present value of the actuarial reserve requirements for membership service, for service retirement annuity, and annuities to widows and children, and the one-year term premium for the city's liability for death benefits, after applying the contribution by the active members. Such rate percent shall be fixed by the Board

every five years after an actuarial survey of the Fund, and shall be in effect for a period of at least five years. For the first five fiscal years of operation of the Fund, the city's rate of contribution shall be at least twelve percent of the salaries of the active members participating in the Fund.

(b) An amount resulting from the application of a rate percent of the salaries of active members which will provide each regular interest on the remaining liability for prior service.

Section 19. (1) The responsibility for the proper operation of the Fund and the direction of its policies shall be vested in a Board of Trustees of six members, consisting of: (a) the Mayor ex officio; (b) the City Treasurer ex officio; (c) the Chiefs of the police and fire departments ex officio; and (d) one active member of each Department, who shall be elected by ballot by the active members of the respective Departments and shall serve for term of one year under rules adopted by the Board. In the event of a vacancy of an elected member, the pension board may fill the vacancy by appointment until the next regular election.

(2) It is the intention of this Act that the present elected members of the pension board shall continue in office as members of the Board of Trustees herein provided. Such members shall continue in office until the expiration of their respective terms of office, when elections shall be held for successors as herein provided.

Section 20. (1) Subject to the foregoing provisions, there shall be held on the first Wednesday after the first Tuesday of September of each year an election among the active members for trustee of the Fund.

(2) On or before August 10 preceding, nominations for candidates in the election shall be filed with the Chief of the police department and the Chief of the fire department. The nominations shall be in writing and shall be signed by not less than twenty-five percent of the members. Within five days after the close of nominations, the Chiefs of the respective departments shall certify in writing to all districts and bureaus of the Departments the names of those placed in nomination.

(3) On the first Wednesday after the first Tuesday in September beginning at the hour of 12 noon on Wednesday and continuing thereafter for a twenty-four hour period, an election shall be held under the supervision of the commanding officers of the districts and bureaus. Each member shall vote at the district or bureau of which he is a member, except those members who are not assigned to a specific district or bureau, who shall vote at the office of the Chief of Police or Chief of the Fire Department, as the case may be. At the close of voting, the commanding officer of each district or bureau, shall in the presence of the nominees or their duly authorized agents, open the ballot box and count the votes. He shall then make a certificate of the count and send the certificate with the ballots in a sealed envelope to the Mayor, who shall, on the following Wednesday, open all the certificates so received and after counting all the returns, certify the result to the Board. On the third Wednesday after the first Tuesday in September the candidate or candidate receiving the most votes shall assume office.

Section 21. The Board shall have, in addition to other duties arising out of this Act, the following duties:

(1) Establish and maintain an office in the facilities provided by the city for the meetings of the Board and the keeping of the books, accounts, and records of the Fund; hold regular meetings monthly, and such special meetings as may be deemed necessary; and keep a full record of all of its proceedings, which shall be open to inspection by the public.

(2) Provide for the installation of a system of accounts and records that will give full effect to the requirements of this Act; adopt all necessary actuarial tables to be used in the operation of the Fund; and provide for the compilation of such statistical and financial data as may be required for actuarial valutions, periodic surveys, and calculations.

(3) Obtain such information from the participating members and the city as shall be necessary for the proper operation of the Fund.

(4) Consider and pass upon all applications for annuities, benefits, refunds and other payments, and authorize the expenditure for such purposes, in accordance with the provisions hereof.

The Board shall have authority to promulgate such rules and regulations, not inconsistent with the provisions of this Act, necessary for the proper determination of all claims before it.

(5) Accept any gift, grant, or bequest of any money or property of any kind, for the purposes designated by the grantor if such purposes are specified as providing cash benefits to some or all of the members of annuitants of the Fund; if no such purposes are designated, the same shall be credited to the account representing income from investments.

(6) Have the accounts of the Fund audited as of the end of each fiscal year, by a competent accountant, and submit an annual report to the city as soon as possible following the close of the year, embodying, among other things, a balance sheet showing the financial and actuarial condition of the Fund, a statement of income and expenditures for the year, a statement showing changes in the asset, liability, and reserve accounts during the year, a statement of investments owned by the Fund, detailed statements of investments acquired and disposed of during the year, and such other financial or statistical data as are necessary for a proper interpretation of the condition of the Fund and the results of its operations. The Board shall also cause to be published for distribution among the members a synopsis of such report.

Section 22. (1) The officers of the Board shall consist of a President, Vice-President, and a Secretary. The President shall be the chief executive officer of the Board, shall preside at all meetings and shall appoint all necessary committees. The Vice-President shall serve as President in the absence of the President.

(2) The board shall designate a secretary who may be a member of the Board and shall fix his compensation. The Secretary shall keep a full account of all proceedings of the Board, shall give notice of all meetings and give effect to all resolutions, orders, and directives of the Board. He shall be in charge of the detailed affairs of administration of the Fund; shall keep the record of proceedings of all meetings; shall keep all books, files, records, and accounts of the Fund; shall receive all applications for annuities, benefits and refunds; shall prepare periodic reports

relative to the financial operations of the Fund for the information of the Board and its membership; shall compile all statistics pertinent to the operations of the Fund; and shall answer all correspondence received by the Board.

(3) The City Treasurer shall be ex officio treasurer of the Board, and custodian of the Fund. He shall have custody of all cash and securities of the Fund, subject to the authority and directives of the Board, and shall keep such accounts and records as may be prescribed by the Board. These accounts and records shall be subject to inspection of the Board or any member thereof.

(4) The treasurer shall, within ten days after his election, execute a bond to the Board, with good security, in such penal sum as the Board directs, to be approved by the Board, conditioned upon the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all money and properties that come into his hands as treasurer of the Fund, and that upon the expiration of his term of office, he will deliver to his successor all securities, unexpended moneys, and other properties that come into his hands as treasurer of the Fund. The bond will be filed with the secretary of the Board, and suit thereon may be filed in the name of the Board for use of the Board or any person injured by its breach. The premium on said bond may be paid out of the Fund.

(5) The director of law of the city shall serve as legal adviser to the Board on all matters pertaining to the Fund involving suits or actions at law, and on any questions of the interpretation of the provisions hereof.

(6) The Board may employ actuarial assistance from time to time to advise it in matters relating to the technical aspects of operations of the Fund, to assist in the preparation of the periodic financial reports, to determine rates of city contribution and to make periodic analyses of the operation of the Fund. At least once every five years an actuarial survey and investigation shall be made of the operating experience of the Fund, including a study of the rates mortality, disability, retirement, separations from service, and other essential factors. The actuary shall recommend all mortality and interest tables to be adopted by the Board.

(7) The Board shall establish rules and regulations to implement the provisions of this Act which shall not be inconsistent therewith.

Section 23. The Board may invest the moneys accruing to the Fund, in interest bearing bonds of any county or city of the first, second, or third class in this State, or in any securities in which trustees are permitted to invest trust funds under the laws of this State. Such bonds shall be registered in the name of the Board to the extent possible. The securities acquired by the Board shall be deposited with the treasurer and shall be subject to the order of the Board.

Section 24. (1) An adequate system of accounts and records shall be established and maintained for the Fund that will reflect fully the requirements of the provisions of this Act. This system shall be integrated, to the extent possible with the accounts, records, and procedures of the city to the end that the same shall operate most effectively and at minimum expense, and that duplication of records and accounts may be avoided.

(2) All assets of the Fund shall be credited according to the purposes for which they are held in the following designated reserve accounts:

(a) Members Contribution Reserve. The amounts contributed by the members shall be credited to this reserve, together with regular interest thereon as herein provided. An individual account shall be maintained for each member, to which shall be credited the amounts of his contributions. Upon the granting of a service retirement annuity, disability annuity, or survivors annuity or benefit, the accumulated contributions to the credit of the member concerned shall be transferred from this reserve to the retirement reserve. Refunds and death payments representing member's contributions shall be charged to this reserve.

(b) Employer's Contribution Reserve. The amounts contributed by the city under the provisions hereof, for service retirement annuity, disability retirement annuity, and benefits to survivors covering membership service and prior service, shall be credited to this reserve. Upon the granting of a service retirement annuity, disability retirement annuity, or survivors benefit,

an amount representing the excess of the actuarial value of the annuity, or benefit over the accumulated contribution of the member, shall be transferred from this reserve to the retirement reserve.

(c) Retirement Reserve. Upon the granting of a service retirement annuity, disability retirement annuity, or survivors benefit, the accumulated contributions of the member and an amount representing the excess of the actuarial value of the annuity or benefit over such accumulated contributions, shall be transferred to this reserve from the member's contribution reserve and employer's contribution reserve, respectively. All income from investments, including gains on investment transactions, shall be credited to this reserve. All losses on investments shall be charged to this reserve. All payments on account of any annuity made by the Fund shall be charged to this reserve. Any excess balance in this reserve, as determined by actuarial valuation as of the close of any fiscal year, shall be applied to reduce the city's contributions for membership service for the fiscal years next following the date of such valuation. Any deficiency in this reserve shall be removed by an increase in the amount of city's contributions for future membership service.

Section 25. (1) The officers of the city designated by law to draw warrants on the city treasurer, shall on request in writing by the Board, draw warrants on the city treasurer, payable to the treasurer of the Board, against moneys of the Fund.

(2) Moneys ordered paid from the Fund to any person shall be paid by the treasurer only, upon warrant signed by the President of the Board and countersigned by the Secretary. No warrant shall be drawn except by order of the Board duly entered on the record of proceedings of the Board.

Section 26. (1) It is the intention of this Act that the Fund herein created shall supersede and take the place of the pension Fund established under KRS 95.520 to 95.620 inclusive, which Sections shall be and are hereby repealed.

(2) The Fund created by this Act shall succeed to and assume as of July 1, 1966, all assets of such pension fund, of every kind and character whatsoever, including cash, securities, receiv-

able, accruals. Such transfer of assets shall be made as soon as possible or practicable following the adoption of this Act. The Fund created by this Act shall assume as of July 1, 1966, all liabilities and obligations annuities, pensions, and benefits previously granted and in force under the provisions of the laws of Kentucky.

(3) The Fund hereby created shall continue to make payment of all such annuities, pensions, and benefits granted by superseded pension funds at the rates previously fixed and under the conditions previously in effect.

Section 27. Each member shall, by virtue of the payment of contributions to the Fund, receive a vested interest in such contributions, and in consideration of such vested interest, shall be conclusively deemed to undertake and agree to pay the same and to have the amounts deducted from his salary as herein provided.

Section 28. The right to a retirement annuity, disability annuity, survivors annuity or benefit, death benefit, or any other benefit under the provision hereof, by whatever name called, or refund, is personal with the recipient thereof, and the assignment, or transfer of such benefit or any part thereof shall be void, except as herein provided. Any such annuity, benefit, or refund shall not answer for debts contracted by the person receiving the same, and it is the intention of this Statute that they shall not be attached or affected by any judicial proceeding.

Section 29. Any service retirement annuity, disability retirement annuity, or any other annuity provided herein shall be payable in equal monthly installments as life annuities, and shall not be increased, decreased, revoked, or repealed, except for error, or except where specifically otherwise provided. The cost of providing death benefits for members in receipt of retirement annuities shall not be construed as a reduction in the life annuity payable to the member. The first payment of an annuity shall be made for the fraction of a month elapsing until the end of the first month; and the last payment shall be made as of the end of the month in which death occurs.

Section 30. It is the intention of this Act that the payment of the required contributions by the city, all allowances, annuities,

benefits, and administrative expenses shall be the obligation of the city.

Section 31. Any city covered by this Act, which may subsequently attain a Second-Class status, shall continue to be covered by this Act.

Section 32. After a determination has been made on any application by the Board, any interested person may, within 20 days after notice of the determination or finding of the Board, apply for a rehearing with respect to any of the matters determined by the Board. The application shall specify the matter of which a rehearing is sought. The Board shall fix the time for the rehearing within 20 days after the same is filed with the Secretary of the Board, in no event to be less than 60 days from the date the application is filed unless otherwise agreed by the parties. Upon the rehearing a complete transcript shall be made of all evidence presented. The cost of such transcript shall be borne equally by the applicant for the rehearing and the Board. Upon rehearing, the Board may change, modify, vacate or affirm its previous order said application and enter such an order as it deems necessary.

Section 33. (1) The order of determination of the Board upon the rehearing shall be conclusive and binding, but any interested party may, within 20 days after the rendition of the order of the Board, by petition appeal to the circuit court of the county in which the city of the third class is located for a review of the order of the Board.

(2) The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner who shall furnish a copy to the Board at the time of the filing of the same. Summons shall be issued directing the Board to answer within 20 days and directing the Board to send the original record to the circuit clerk certifying that such record is the entire original record of the rehearing which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on the review. The appeal provided for herein shall not be considered effective unless the person making the appeal has paid to the Board one-half of the

cost of the transcript of the record of the rehearing within the period provided for making the appeal.

(3) No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this Act, and affecting the order, decision or determination appealed from, but the court shall otherwise hear the cause upon the record as certified by the Board and shall dispose of the cause in summary manner, its review being limited to determine whether or not:

(a) The Board acted without or in excess of its powers.

(b) The order, decision or determination was procured by fraud.

(c) The order, decision or determination of the Board is not in conformity with the provisions of this Act.

(d) If finding of fact are in issue the party seeking to set aside any order, decision or determination of the Board shall have the burden of proof to show by clear and satisfactory evidence that the order, decision or determination is unreasonable or unlawful. If upon appeal as herein provided the order, decision or determination of the Board is reversed the party perfecting the appeal shall be refunded by the Board his portion of the costs paid for the transcript of the record made on the rehearing.

(4) The Board and each interested party may appear before the circuit court. The court shall enter judgment affirming, modifying or setting aside the order, decision or determination appealed from, or in its discretion remand the cause to the Board for further proceedings in conformity with the direction of the court. The court may, before judgment and upon sufficient showing of fact, remand the cause to the Board.

Section 34. (1) The judgment of the circuit court shall be subject to appeal to the Court of Appeals. The scope of review by the Court of Appeals shall include all matters subject to review by the circuit court and also errors of law arising in the circuit court and upon appeal made reviewable by the Rules of Procedure.

(2) The procedure as to appeal to the Court of Appeals

shall be the same as in civil actions so far as it is applicable to and not in conflict with this act.

Section 35. Any person who knowingly makes any false statement, or falsifies, or permits to be falsified, any record or records of this Fund, in any attempt to defraud the Fund, is guilty of a misdemeanor, and shall be punishable therefore under the laws of the State of Kentucky, and the Fund shall have the right to recover any payments made under false representations.

Section 36. The provisions of this Act are severable. If any sentence, clause, or section, or part of this Statute, or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, or sections or parts of this Statute, it being the legislative intent of this body to ordain and enact each provision, paragraph, sentence and part hereof separately and independently of each other.

**SB 41**, AN ACT relating to retirement systems for city or county employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 79.080 is amended to read:

Cities of all classes and counties and the agencies of cities and counties are authorized to establish and operate plans for the payment of retirement, disability or hospitalization benefits to their employes. Such a plan may require employes to pay a percentage of their salaries into a fund from which benefits are paid, or the city, county or agency may pay out of its own funds the entire cost of the benefits. A plan may include a combination of contributions by employes and by the city, county or agency into a fund from which benefits are paid, or it may take any form desired by the city, county or agency. Each city, county or agency may make rules and regulations and do all other things necessary in the establishment and operation of such a plan. *Any plan adopted shall provide that any officer or member of a paid fire or police department who has completed*

*five years or more as a member of the department, but who is unable to perform his duties by reason of heart disease or any disease of the lungs or respiratory tract, is presumed to have contracted his disease while on active duty as a result of strain or the inhalation of noxious fumes, poison or gases, and shall be retired by the pension board under terms of the pension system of which he is a member, if member passed an entrance physical examination and was found to be in good health as required.* The term "agency" as used herein shall include boards appointed to operate water works, electric plants, hospitals, airports, housing projects, golf courses, parks, health departments, or any other public project.

**Calendar**

**HB 95** and **HB 99** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative John Y. Brown moved that the House adjourn until 9:00 a.m., Friday, February 25, 1966.

On the roll call the vote was yeas 32—Barber, Bicknell, Blume, Brady, John Y. Brown, Caldwell, Clapp, Floyd, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Johnson, Kelly, King, McBrayer, John D. Miller, Peniston, Pettit, Pile, Riddle, Russell, Sheehan, Short, Smothers, Straney, Tucker, Vanover, Warders, Webster, Wells, White. Nays 1—Blythe.

The motion to adjourn was adopted.

## FRIDAY, FEBRUARY 25, 1966

## FORTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend J. Carter Roberts of the Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Arnett, Ballenger, Jones, Clarence R. Miller, Ostertag and Russell Reynolds.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 24, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 478**, by Representative Morgan: AN ACT relating to workmen's compensation.

**HB 479**, by Representative Clapp: AN ACT relating to the healing arts.

**HB 480**, by Representative Pile: AN ACT relating to security transactions.

**HB 481**, by Representatives McBrayer, E. G. Brown, Keene and Hoffman: AN ACT relating to motor vehicles and the regulation thereof.

**HB 482**, by Representative Vanover: AN ACT relating to the Professional Practices Commission.

**HB 483**, by Howard P. Hunt: AN ACT relating to fire departments in cities of the third class.

**HB 484**, by Representative Hoe: AN ACT relating to county boards of registration and purgation.

**HR 96**, by Representatives McNamara, John Y. Brown and Caldwell: A JOINT RESOLUTION authorizing the Department

of Child Welfare to participate with the Kentucky Federation of Women's Clubs in the construction and subsequent operation of a rehabilitation center for delinquent girls.

**HR 97**, by Representative Lassiter: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study substituting a gross income tax for the present real property taxes.

### Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Education: **HB 471.**

Kentucky Statutes # 1: **HR 96.**

Public Health: **SB 66.**

### Motions, Petitions, and Communications

**HR 98**, by Representatives Isler, Sheehan and King: A RESOLUTION directing the Department of Parks to investigate the feasibility of acquiring the eighteen remaining covered bridges of the Commonwealth.

WHEREAS, Only eighteen covered bridges remain standing in the Commonwealth of Kentucky; and

WHEREAS, These bridges lend themselves to a natural development as places of scenic beauty and of unusual attraction and reminders of the days of parlors and pinafores and of bustles and buggies; and

WHEREAS, Preservation of these bridges is desirable to add to and preserve part of the rich heritage of the Commonwealth.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

The Department of Parks is directed to investigate the

feasibility of acquiring and developing, as state roadside parks, the covered bridges at the following locations:

| | |
|---|---|
| Bourbon– | Hinkston Creek, Colville Pike |
| Bourbon– | Boone Creek |
| Bracken– | Locust Creek, between Bladeston and Wellsburg 1159 |
| Fleming– | Fox Creek, Ringe Mill |
| Fleming– | Sherburn Bridge, Licking River |
| Fleming– | Fox Creek near Hillsboro |
| Franklin– | North Fork of Elkhorn Creek near Switzer |
| Greenup– | Tygrats Creek, Bennet's Mill |
| Greenup– | Big Sandy River near Oldtown |
| Lawrence– | Blaine Creek, Yatesville |
| Lawrence– | East Fork of Little Sandy River |
| Lewis– | Cabin Creek |
| Mason– | Lee's Creek, east of Dover |
| Robertson– | Johnson Creek |
| Washington– | Chaplin River, Sharpville |
| Washington– | Little Beech Creek |
| Washington– | Chaplin River |
| Fleming– | Sandlick Creek, Goddard |

Representative Isler moved the adoption of **HR 98.** Agreed.

## Recess

Representative John Y. Brown moved that the House recess for 45 minutes for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

The resignation of Allen Kraus, elected Page, was accepted on February 14, 1966.

**Senate Message**

Announcing passage of **SB 131, SB 145, SR 37** and **HB 238.**

Representative Bondurant moved that the Rules be suspended to make a motion.

On the roll call the vote was yeas 30—Arnett, Barber, Bates, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Carroll, Cox, Denham, Floyd, Hale, Hardin, Henry, Hoffman, Lassiter, Leeds, McNamara, Murphy, Osborn, Ostertag, Peniston, Pile, Roberts, Siemens, Smothers, Straney, Tucker, Webster, White. Nays 6—Chapman, Dempsey, Jordan, Morgan, Smith, Wells.

The motion that the rules be suspended was rejected.

**Report on Enrolled Bills**

The Committee on Enrollment reported **HB 238** had been examined and found correctly enrolled. **HB 238** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 238** delivered, signed by President. Ordered delivered to the Governor.

**HR 99,** by Representative Denham: A RESOLUTION inviting the "Chordians" to attend a session of the House of Representatives.

WHEREAS, the "Chordians", a band under the direction of Mr. Wayne Tyler have acquired considerable fame and reputation as musicians; and

WHEREAS, a musical respite would be a welcome relief from the rigors of the legislative process,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the "Chordians" be invited to play for the members of the House of Representatives at the Monday night session, February 28, 1966, at 8:00 P.M.

Representative Denham moved the adoption of **HR 99.** Agreed.

Representative DeMarcus moved that a Public Hearing on **HB 471** be held on Tuesday, March 1, 1966, at 10:00 a.m.

On the roll call the vote was yeas 35—Ball, Bartley, Bicknell, Billings, Blythe, Archie Brown, Buky, Caldwell, Chaudoin, Clark, DeMarcus, Dempsey, Eicher, Floyd, Harper, Hislope, Hoe, Irick, Isler, Johnson, Jordan, Kessinger, McCowan, Morgan, Osborn, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Vanover, Warders, Wells, Wheeler. Nays 21 – Allen, Arnett, Barber, Bondurant, Bourne, E. G. Brown, Criscillis, Hale, Henry, Hinkle, Hoffman, Kelly, King, Lassiter, McBrayer, John D. Miller, Peniston, Pile, Smothers, Straney, Tucker.

The motion that a Public Hearing be held on **HB 471** was adopted.

Representative DeMarcus moved that the House resolve itself into a Committee of the Whole to discuss **HB 471.**

The Speaker appointed Representative John Y. Brown as Chairman.

Representative DeMarcus amended his motion to read 11:00 a.m. Agreed.

## Report of Committees

The Committee on Education reported **HB 471** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 471,** AN ACT relating to education, revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART I

Section 1. KRS 157.390 is amended to read:

(1) (a) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a master's degree and who have earned thirty semester hours of additional approved graduate work, and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a master's degree or its equivalent.

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-six to one hundred and twenty-eight semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank [.] *for calculation of the amount to be included in the foundation program.*

Rank V. Those holding certificates and who have sixty-four to ninety-five semester hours of approved college training or the equivalent.

Rank VI. Those holding certificates and who have thirty-two to sixty-three semester hours of approved college training or the equivalent; provided, however, that effective July 1, 1965, no teacher in Rank VI shall be included in calculating the amount to be included in the foundation program.

Rank VII. Those holding certificates and who have fewer than thirty-two semester hours of approved college training or the equivalent; provided, however, that effective July 1, 1964, no teacher in Rank VII shall be included in calculating the amount to be included in the foundation program.

(b) In determining ranks, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) The amount to be included in the *1966-67* [1964-65] school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule for each rank:

| *Rank* | *I* | *II* | *III* | *IV* | *V* |
|---|---|---|---|---|---|
| *Experience* | | | | | |
| *0-3 Years* | *$5300* | *$5000* | *$4700* | | |
| *4-9 Years* | *5550* | *5250* | *4950* | | |
| *10 Years & Over* | *5650* | *5350* | *5050* | | |
| | | | | *2900* | |
| | | | | | *2600* |

[Rank I $4900
Rank II $4600
Rank III $4300
Rank IV $2900
Rank V $2600
Rank VI $2200]

Beginning with the school year *1967-68* [1965-66], the amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

| *Rank* | *I* | *II* | *III* | *IV* | *V* |
|---|---|---|---|---|---|
| *Experience* | | | | | |
| *0-3 Years* | *$5550* | *$5250* | *$4950* | | |
| *4-9 Years* | *6050* | *5750* | *5450* | | |
| *10 Years & Over* | *6200* | *5900* | *5600* | | |
| | | | | *2900* | |
| | | | | | *2600* |

[Rank I $5100
Rank II $4800
Rank III $4500
Rank IV $2900
Rank V $2600]

Provided, the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to 157.440, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by nine hundred dollars.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by six hundred dollars.

(5) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district determined in accordance with the provisions of KRS 157.370.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4), and (5) of this section.

Section 2. KRS 157.420 is amended to read:

Public school foundation program funds made available to the credit of each district during any year, together with the funds required from local tax effort, shall be received, held and expended by the district board, subject to the provisions of law and regulations of the State Board of Education. The following restrictions shall govern the expenditure of funds from the public school foundation program fund:

(1) The teachers' salaries allotment for each district from the public school foundation program fund and from local

sources shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the public school foundation program fund allotment for that rank as established in subsection (2) of KRS 157.390, and no teacher shall be paid less than *ninety-five* [ninety] percent of the public school foundation program fund allotment for that rank [;] *provided, however, that no teacher in Rank III shall be paid less than $4500 for full-time service during the regular school year.*

*(2) The State Board of Education shall not approve any working budget or salary schedule for local boards of education for any school year in which the total amount budgeted for teachers' salaries is not equal to an amount required to maintain the district's salary schedule of the preceding year plus the additional amount for teachers' salaries and guarantee received by the district.*

[(2)] *(3)* The capital outlay allotment for each district from the public school foundation program fund and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the Superintendent of Public Instruction in accordance with requirements of law, and based on a survey made in accordance with rules and regulations prescribed by the State Board of Education. These funds shall be used for the following capital outlay purposes:

(a) For direct payment of construction costs;

(b) For debt service on voted and funding bonds;

(c) For payment or lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For the retirement of any deficit resulting from overexpenditure for capital construction, if such deficit resulted from an emergency declared by the State Board of Education under KRS 160.550;

(e) As a reserve fund for the above named purposes, to be carried forward in ensuing budgets; provided, however, if any district has a special levy for capital outlay or debt service that is equal to the capital outlay allotment or a proportionate frac-

tion thereof, and spends the proceeds of that levy for the above named purposes, the Superintendent of Public Instruction, under regulations of the State Board of Education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

If a survey shows that a school district has no capital outlay needs as shown in paragraphs (a), (b), (c) and (d) above, upon approval of the Superintendent of Public Instruction, these funds may be used for school plant maintenance, repair, insurance on buildings, and replacement of equipment.

Section 3. To carry out the purposes of Part I of this Act, there is hereby appropriated out of the General Expenditure Fund of the Commonwealth, in addition to all other funds previously appropriated to the School Foundation Program and the Teachers' Retirement System, the following sums:

| | |
|---|---|
| A. School Foundation Program | |
| For fiscal year 1966-67 | $ 7,400,000. |
| For fiscal year 1967-68 | $15,000,000. |
| B. Teachers' Retirement System | |
| For fiscal year 1966-67 | $ 500,000. |
| For fiscal year 1967-68 | $ 1,100,000. |
| TOTAL | $24,000,000. |

PART II

Section 1. KRS 141.042 is amended to read:

(1) For all taxable years beginning on or after *July 1, 1966* [January 1, 1961], every corporation subject to taxation under KRS 141.040 shall make a declaration of estimated tax if the tax imposed by KRS 141.040 for the taxable year can reasonably be expected to exceed $5,000.

(2) The declaration required under subsection (1) shall contain the following information:

(a) The amount which is estimated as the amount of tax under KRS 141.040 for the taxable year;

(b) The excess of the amount estimated under paragraph (a) over $5,000, which excess for purposes of KRS 141.042 to 141.046 and 141.205 shall be considered the estimated tax for the taxable year;

(c) Such other information as the department by forms or regulations may prescribe.

(3) The declaration required under subsection (1) shall be filed with the department on or before *June* [May] 15 of the taxable year, except that if the requirements of subsection (1) are first met;

(a) After *June* [May] 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year;

(b) After September 1 of the taxable year, the declaration shall be filed on or before December 15 of the taxable year.

(4) A corporation may make amendments of a declaration filed during the taxable year in accordance with regulations prescribed by the department. An amendment of a declaration may be filed in any interval between the installment dates prescribed for that taxable year but only one amendment may be filed in each such interval. If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased as the case may be, to reflect the increase or decrease of the estimated tax by reason of such amendment. If any amendment is made after September 15 of the taxable year, any increase in the estimated tax by reason thereof shall be paid in full at the time of making such amendment.

(5) A corporation with a taxable year of less than twelve months shall make a declaration in accordance with regulations prescribed by the department.

(6) The department may grant a reasonable extension of time for filing declarations and paying the estimated tax under such rules and regulations as it may prescribe. If any extension operates to postpone a payment of estimated tax, interest at the rate of one-half of one percent per month or part thereof shall be collected.

Section 2. KRS 141.044 is amended to read:

(1) The estimated tax provided for in KRS 141.042 shall be paid as follows:

(a) If the declaration is filed on or before *June* [May] 15 of the taxable year, the estimated tax shall be paid in three [equal] installments. The first installment, *in an amount equal to fifty percent of the estimated tax,* shall be paid at the time of the filing of the declaration. The second and third installments, *each in an amount equal to twenty-five percent of the estimated tax,* shall be paid on September 15 and December 15, respectively, of the taxable year;

(b) If the declaration is filed after *June* [May] 15 and not after September 15 of the taxable year and is not required by KRS 141.042 to be filed on or before *June* [May] 15 of the taxable year, the estimated tax shall be paid in two [equal] installments. The first installment, *in an amount equal to seventy-five percent of the estimated tax,* shall be paid at the time of the filing of the declaration and the second installment, *in an amount equal to twenty-five percent of the estimated tax,* on December 15 of the taxable year;

(c) If the declaration is filed after September 15 of the taxable year and is not required to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration;

(d) If the declaration is filed after the time prescribed in KRS 141.042, including cases where extensions of time have been granted, paragraphs (a), (b), and (c) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in KRS 141.042, and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

(2) In the case where the tax computed under this chapter is less than the amount which has been declared and paid as estimated tax for the same taxable year, a refund shall be made upon the filing of a return, together with interest on such over-

payment at the rate of six percent per annum from the fifteenth day of the seventh month following the close of the taxable year for which the return is filed, or from the fifteenth day of the fourth month following the filing of the return if the return is filed later than the normal filing date.

(3) (a) Overpayment resulting from the payment of estimated tax in excess of the amount determined to be due upon the filing of a return for the same taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year.

(b) No refund shall be made of any estimated tax paid unless a complete return is filed as required by this chapter.

(4) At the election of the taxpayer, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(5) In the application of this section and KRS 141.042 to the case of a taxable year beginning on any date other than January 1, there shall be substituted for the months specified therein the relative months and dates which correspond thereto.

## PART III

Section 1. One or more boards of education of school districts which contain at least ninety percent of the county's inhabitants may, after compliance with the public hearing requirement contained in Part III, Section 5, of this Act, request the fiscal court to levy one of the school taxes authorized by Part III of this Act. The fiscal court shall levy, within fifteen days of such request, the school tax at the rate requested.

Section 2. The imposition of school taxes authorized by this Act shall be by order or resolution of the fiscal court. No more than one such order or resolution shall be passed in any one calendar year, and no more than one school tax authorized by this Act shall be in effect in any one county at any one time. Any school tax levied under the provisions of Part III of this Act shall be levied on a county-wide basis.

Section 3. Any order or resolution of a fiscal court levying a school tax authorized by Part III of this Act may be recalled as provided in KRS 160.485 (2) and (3).

Section 4. The school taxes authorized by this Act shall be known as an occupational license tax for schools, a utility gross receipts tax for schools, and an excise tax for schools as set out in the following sections.

Section 5. No school district board of education shall request the fiscal court to levy any of the school taxes authorized by Part III of this Act until after compliance with the following:

(a) The county school district board of education shall give notice of any proposed request for the levy of one of the school taxes authorized by Part III of this Act. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that such request is being proposed. Said advertisement shall state that the county district board of education will meet at a place and on a day fixed in the advertisement, not earlier than one week and not later than two weeks from the date of the advertisement, for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.

(b) The county school district board of education shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed request and explaining the reasons for such proposal.

## OCCUPATIONAL LICENSE TAX FOR SCHOOLS

Section 6. There is hereby authorized the levy of an occupational license tax for schools on salaries, wages, commissions and other compensation of individuals for work done and services performed or rendered in a county and on the net profits of all businesses, professions or occupations from activities conducted in a county. No public service company which pays an

ad valorem tax is required to pay an occupational license tax for schools. No occupational license tax for schools shall be imposed upon or collected from any bank, trust company, combined bank and trust company, or combined trust, banking and title business in this state.

Section 7. The school tax authorized by Part III, Section 6, of this Act shall be at a single uniform rate not to exceed one-half of one percent and shall continue from year to year until changed as prescribed in Part III, Section 17, of this Act.

Section 8. No occupational license tax for schools shall be collected from any individual who is not a resident of the county of the fiscal court imposing the school tax.

## UTILITY GROSS RECEIPTS LICENSE TAX FOR SCHOOLS

Section 9. There is hereby authorized a utility gross receipts license tax for schools of three percent of the gross receipts derived from the furnishing, within the county, of telephonic and telegraphic communications services, electric power, water, and natural, artificial, and mixed gas. "Gross receipts" includes all amounts received in money, credits, property, or other money's worth in any form, as consideration for the furnishing of the above utilities.

Section 10. The school taxes authorized by Part III, Section 9 of this Act shall be due and payable monthly and shall be remitted on or before the twentieth day of the next succeeding calendar month.

Section 11. The fiscal court may promulgate such regulations as may be necessary for the collection of the tax authorized by Part III, Section 9 of this Act. Notwithstanding the provisions of KRS 278.040 (2), any utility required to pay the tax authorized by Part III, Section 9 of this Act may increase its rates in any county in which it is required to pay the school tax by three percent. Any utility so increasing its rates shall separately state on the bills sent to its customers the amount of such increase and shall identify such amount as: "Rate increase for school tax."

## EXCISE TAX FOR SCHOOLS

Section 12. There is hereby authorized an excise tax for schools not to exceed twenty percent on a county resident's state individual income tax liability as computed under Chapter 141 of the Kentucky Revised Statutes. The tax year, for purposes of this school tax, shall be the same as the individual's tax year for state income tax purposes. An individual is a resident of a county if, on December 31 of his tax year, he was domiciled in such county.

Section 13. The fiscal court may promulgate such regulations as may be necessary for the collection of the school tax imposed by Part III, Section 12, of this Act.

Section 14. The school tax authorized by Part III, Section 12 of this Act shall be self-assessing. Each county resident paying state individual income taxes under Chapter 141 of the Kentucky Revised Statutes shall file, on or before July 1 of each year for calendar year taxpayers and six months after the close of the tax year for all other taxpayers, with the county finance officer a return showing his state individual income tax liability and the amount of county school tax due. This school tax shall be remitted with the return and shall be delinquent six months after the close of the individual's tax year. The county finance officer shall furnish the necessary tax returns for the administration of this school tax.

Section 15. The Department of Revenue shall make available to the county finance officer, by October 1 of each year, such information as he may request concerning the state income tax liability of county residents. Such information shall be made available on a confidential basis as provided in section 131.190 of the Kentucky Revised Statutes.

Section 16. The proceeds of the tax authorized by Part III, Section 12 of this Act shall be deposited in a special fund until they have been distributed as provided in Part III, Section 21 of this Act.

## GENERAL PROVISIONS

Section 17. School taxes imposed under the provisions of Part III of this Act shall remain in full force and effect from year

to year until all boards of education within the county have certified to the fiscal court requests for a reduction of the rate in effect. If a reduction in rate is requested, the fiscal court shall reduce the rate to the requested amount. The fiscal court may require each board of education to make an annual certification as to the need and necessity for the continuance of the current tax.

Section 18. Reasonable expenses incurred by any fiscal court for the administration or collection of the school taxes authorized by Part III of this Act shall be reimbursed by the school district boards of education on a monthly basis or on such basis as may be agreed upon by the boards of education and the fiscal court. Such expenses shall be borne by the school districts on a basis proportionate to the revenue received by such districts.

Section 19. Any person having custody of the proceeds of any school tax authorized by Part III of this Act shall be required to secure a corporate surety bond in an amount to be set by the fiscal court. The cost of the surety bond shall be considered a part of the cost of the administration of the school taxes authorized under Part III of this Act.

Section 20. Any person having custody of the proceeds of any school tax authorized by Part III of this Act shall be audited as provided by KRS 156.265 through KRS 156.285.

Section 21. The school taxes and penalties collected under Part III of this Act shall be distributed to the treasurer of the board of education of each school district in the county in proportion to the number of pupils in average daily attendance in each district as shown by the final certification by the Superintendent of Public Instruction for the previous school year pursuant to the provisions of KRS 157.310 to 157.440.

Section 22. In the event that any tax authorized by Part III of this Act is levied by a fiscal court, the county judge, with the approval of the fiscal court, shall appoint a county finance officer, who shall be responsible for the administration of such tax. The position of county finance officer may be full time or part time, and his compensation shall be fixed by the fiscal court. No

elected official shall be appointed to the position of county finance officer but such officer may be the county treasurer or the county auditor. The fiscal court shall furnish suitable office facilities for the county finance officer and may provide such additional space and personnel as may be necessary.

Section 23. (1) Any person, individual, or corporation required by the provisions of Part III of this Act to file any return or report or furnish any information requested under the authority of Part III of this Act who fails to file such return or report or furnish such information on or before the date required shall pay a penalty in the amount of ten dollars for each such failure.

(2) Any person, individual, or corporation who fails to pay, on or before the due date, any school tax authorized by Part III of this Act and levied by the fiscal court shall pay a penalty of one percent per month of the amount of such tax past due until paid.

Section 24. Part III of this Act shall become effective July 1, 1966.

PART IV

Section 1. If any provision, clause, or phrase of this Act or the application thereof to any person, individual, corporation, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be separable.

The Committee on Kentucky Statutes No. 1 reported **HB 68** with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

The Committee on Kentucky Statutes # 1 reported **HB 68** with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

The Committee on Kentucky Statutes # 1 reported **HB 356, HB 430, HB 442,** and **HR 96** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 356**, AN ACT changing the classification of the City of Irvington in Breckinridge County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Irvington in Breckinridge County is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Irvington in Breckinridge County, is transferred from the sixth to the fifth class of cities.

**HB 430**, AN ACT relating to uniform administrative procedure.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. This Act may be cited as the "Kentucky Administrative Procedure Act."

Section 2. Through this Act, the General Assembly intends to establish minimum procedural requirements for all, except for expressed exemptions, administrative regulation-making and adjudication and for judicial review of both. This Act confers no additional regulation-making authority upon any agency except to the extent provided in Section 5 (1).

The provisions of this Act are intended to amend present statutes applicable to specific agencies; nothing in the Act shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statutes or otherwise recognized by law.

Section 3. For the purpose of this Act:

(1) "Agency" means each state authority, bureau, board, commissioner, department, division, officer or employe authorized by law to make regulations or to determine contested cases, except those of the General Assembly, the judiciary, the Governor, any penal or educational institution or any agency acting

within its capacity as administrator of the military affairs of this state.

(2) "Contested Case" means a proceeding in which the legal rights, duties, or privileges of a specific party or parties are required by law to be determined by an agency after an opportunity for hearing and shall include, but is not limited to, rate-making, price fixing and licensing in which an opportunity for a hearing is required by law.

(3) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law. "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(4) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(5) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(6) "Regulation" means each agency rule, standard, directive, or statement of general applicability that implements or interprets law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior regulation, but does not include: (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (b) declaratory rulings issued pursuant to Section 14 of this Act, (c) intra-agency memoranda, (d) agency decisions and findings in contested cases, or (e) regulations concerning the use of public roads or facilities which are indicated to the public by means of signs and signals.

(7) "Commission" means the Legislative Research Commission.

(8) "Director" means the director of the Legislative Research Commission.

Section 4. Unless otherwise provided by law, each agency

may adopt reasonable regulations to aid in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this Act, such regulations shall have the force of law and be enforced by all peace officers. In every instance the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority under which the function was assigned. The courts shall take judicial notice of any regulation duly adopted and filed under the provisions of Sections 6 and 7 of this Act after the regulation has become effective.

Section 5. (1) In addition to other regulation-making requirements imposed by law, each agency shall:

(a) Adopt regulations of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all forms and instructions used by the agency.

(b) Make available for public inspection all regulations and rules and other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions as provided in KRS 171.650.

(c) Make available for public inspection all final orders, decisions, and opinions except those expressly made confidential or privileged by statute.

(2) No agency regulation, rule, order, or decision shall be valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been published or made available for public inspection as required in this section, except that this provision shall not be applicable in favor of any person or party who has actual knowledge thereof.

Section 6. (1) Prior to an agency's adoption, amendment, or repeal of any regulation the agency shall:

(a) Give at least twenty days' notice of its intended action. The notice shall include a statement of either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their

views thereon. The notice shall be mailed to all persons who have requested in writing that they be placed upon a mailing list, which shall be kept by the agency for advance notice of its regulation-making proceedings. The notice shall also be published in the KAR Bulletin. The KAR Bulletin shall be prepared and distributed regularly by the commission for the purpose of giving notice of any proposed regulation, any regulation filed pursuant to the emergency clause in subsection (2) of this section and any public contested case hearing or for any other purpose determined by the commission. The KAR Bulletin shall be sent to all agencies, to all persons who have requested it, and to anyone else whom the commission shall choose.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. A certified copy of all such submissions and all requests for an oral argument may be mailed to the commission for public record. In the case of substantive regulations, opportunity for oral hearing must be granted if requested by either ten percent or twenty-five of the persons who will directly be affected by the proposed regulation, or by a govenmental subdivision, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed regulation. Upon adoption of a regulation, the agency, if requested to do so by an interested person, either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

(2) If an agency finds that an emergency exists, and such a finding is concurred in by the Governor by written endorsement on the original copy of a proposed regulation, a regulation may be adopted and become effective immediately upon its being filed in the office of the commission. A regulation so adopted may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsection (1) of this section is not precluded.

(3) No regulation is valid unless adopted in substantial compliance with this section, but no objection of any regulation

on the ground of noncompliance with the procedural requirements of this section may be made after two years from its effective date.

Section 7. (1) No regulation shall become effective until twenty days after an original and two duplicate copies of the regulation are filed with the commission, except where a later date is required by statute or specified in the regulation and except where the agency finds that an emergency exists, and such finding is concurred in by the Governor, by written endorsement upon the original regulation. In the case of such an emergency, a regulation may become effective immediately upon being filed with the commission.

(2) Each regulation shall include a citation of the authority pursuant to which it, or any part of it, was adopted.

(3) The commission shall cause to be endorsed on the original and duplicate copies of each regulation filed, the time and date of the filing thereof, and shall maintain a file of such regulations for public inspection with suitable indexes.

(4) No adopted regulation, which attempts to incorporate an agency's ruling, order, or like material by referring to the general subject of such, or to where such may be found, or to both, shall be accepted for filing.

(5) The commission shall prescribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The commission may refuse to accept for filing any regulation that does not conform to the rules.

(6) The commission shall furnish advice and assistance to all state agencies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations.

Section 8. When any regulation filed with the commission expires by its own terms or is superseded or revoked, the commission shall cause the same to be placed in an inactive file.

Section 9. (1) The Commission shall compile, publish and distribute the regulations filed by agencies in a manner

which will accommodate changes in regulations and allow distribution of any topical or organizational part of the regulations as well as their full text. This compilation shall be known as the Kentucky Administrative Regulations Service and shall constitute the official state publication of administrative regulations.

(2) The cost of printing each regulation, as required by subsection (1), shall be charged to the account of the agency which filed the regulation.

(3) The commission shall prescribe reasonable fees for subscription to the Kentucky Administrative Regulations Service. All fees paid to the commission for this service shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the commission in carrying out the provisions of this section.

(4) A current copy of the Kentucky Administrative Regulations Service shall be kept for public inspection in each county law library or, in a county without a county law library, in the office of the circuit court clerk. The subscription fee for these copies shall be charged to the account of the State Law Library.

(5) Nothing in this Act shall prevent any agency, in its discretion and subject to the approval of the commission from filing, and the commission from distributing, any rates, tariffs or other documents not required by Section 7 of this Act to be filed.

Section 10. The Kentucky Administrative Regulation Service shall be prepared under the direct supervision of an attorney appointed by the commission and designated the Regulation Compiler. The director shall cause to be prepared a certificate to the effect that the text of the regulations as printed in this service is correct. One copy of the Kentucky Administrative Regulations Service with the original certificate therein shall be maintained in the office of the Secretary of State. All other copies shall contain a printed copy of the certificate and shall constitute prima facie evidence of the law in all courts and proceedings.

Section 11. The commission's authenticated file stamp on a rule or regulation, or publication of a rule or regulation in the Kentucky Administrative Regulations Service shall raise a re-

buttable presumption that the rule or regulation was adopted and filed in compliance with all requirements necessary to make it effective.

Section 12. Any interested person may petition an agency requesting the adoption and filing, the amendment, or the repeal of any regulation and may accompany his petition with relevant data and arguments. A certified copy of all petitions and accompanying material may be mailed to the commission for public record. Each agency shall prescribe by regulation the form for such petitions and the procedure for their submission, consideration, and disposition. Upon submission of such a petition, the agency shall within thirty days either deny the petition in writing stating its reasons or initiate regulation-making proceedings in accordance with Section 6 of this Act.

Section 13. (1) The validity or applicability of any regulation may be determined in an action for declaratory judgment in the Franklin Circuit Court, when it is alleged that the regulation, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the agency to pass upon the validity of the regulation in question. The court shall declare the rule invalid if it finds that it violates constitutional or statutory provisions or exceeds the statutory authority of the agency.

(2) Any agency, whose regulation is made the subject of a declaratory action under subsection (1), shall be made a party to the action. Any agency may institute an action for a declaratory judgment, as provided in subsection (1), concerning any regulation adopted and filed by it or any other agency.

(3) Actions for declaratory judgment provided for in subsection (1) and (2) shall be in accordance with the Declaratory Judgment Act, KRS 418.040 to 418.090, and the Rules of Civil Procedure. In all actions under subsections (1) and (2), the Attorney General shall, before judgment is entered, be served with a copy of the petition, and shall be entitled to be heard.

Section 14. Each agency shall provide by regulation for

the filing and prompt disposition of petitions for declaratory orders and advisory opinions as to the applicability of any statutory provision or of any regulation or decision of the agency. Declaratory orders disposing of petitions in such cases shall have the same status as agency decisions or orders in contested cases if issued after compliance with the procedure for contested cases, as outlined in Section 15. A reasonable number of any class of persons which will be substantially affected by a declaratory order should be notified of these proceedings.

Section 15. In addition to any other requirements imposed by the common law, statutes or regulations:

(1) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice served personally or by mail. Where these indispensable and necessary parties compose a large class, the notice shall be served upon a reasonable number thereof as representatives of the class. A reasonable number of any other class which will be substantially affected by a decision in a contested case should be served. Notice of all contested cases shall be published in the KAR Bulletin.

(2) The notice shall include a statement of:

(a) the time, place, and nature of the hearing;

(b) the legal authority and jurisdiction under which the hearing is to be held;

(c) the particular sections of the statutes and regulations involved;

(d) the matters asserted in short and plain language;

(e) the existence of any relevant staff memoranda or data which is not made confidential or privileged by statute;

(f) the right of any party to subpoena witnesses and documentary evidence through the agency.

If the agency or other party is unable to state the matters, referred to in clause (d), in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a more definite and detailed statement shall be furnished.

(3) Opportunity shall be afforded all parties to be represented by legal counsel, to respond and present evidence and argument on all issues involved, and to examine staff memoranda and data considered by the agency in its disposition of the case which is not made confidential or privileged by statute.

(4) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(a) Where the indispensable and necessary parties compose a large class, any member of the class, upon timely application, shall be permitted to intervene in any contested case as a party when a statute or regulation confers an unconditional right to intervene or when the representation of the applicant's interest by existing parties is or may be inadequate.

(b) Any other person, upon timely application, may be permitted to intervene as a party when a statute or regulation confers a conditional right to intervene or when the applicant's claim or defense and the contested case have a question of law or fact in common. In exercising its discretion the agency shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the existing parties.

(c) The agency shall administer oaths and issue subpoenas authorized by other statutes and the common law upon its own motion or when requested by any other party. Each party shall pay the cost of its subpoenas and the expenses of its witnesses under KRS 421.010. When a subpoena is disobeyed, any party may apply to the Franklin circuit court for an order requiring obeyance. Failure to comply with such order shall be cause for punishment as a contempt of the court under KRS 421.110.

(d) Unless specifically precluded by statute, any contested case may be held before any agency representative or hearing official.

(5) A record shall be kept in each contested case and shall include:

(a) all pleadings, motions, intermediate rulings;

(b) evidence received or considered;

(c) a statement of matters officially noticed;

(d) questions and offers of proof and rulings thereon;

(e) proposed findings and exceptions;

(f) any decision including any initial, recommended, or tentative decision, opinion or report by the officer presiding at the hearing;

(g) all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case;

(h) all stenographic recordings taken and transcriptions made.

(6) Oral proceedings, or any part thereof, shall be reported stenographically upon request by any party.

(7) Findings of fact shall be based exclusively on the evidence and matters officially noticed.

Section 16. In contested cases:

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded and the rules of privilege shall be given effect. The rules of evidence as applied in civil cases shall be followed; but when necessary to ascertain facts which cannot otherwise be proved, evidence not admissible under such rules may be admitted if it is of the type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially thereby, all or part of the evidence may be received in written form if such a procedure has been prescribed in the regulations of the agency holding the hearing.

(2) The authenticity of a writing or document may be proved by any means provided by statute or the common law. Authenticity may be deemed admitted by any party who was served with a written request for the admission of authenticity within ten days in advance of the hearing but unreasonably failed to file written objection within five days in advance of the hearing. The request for admission must contain an exact copy of the writing or document.

The original copy of a writing or document is the only admissible proof of its contents unless the writing or document:

(a) has been lost or destroyed in good faith, or is beyond the reach of the proponent and the agency, or was in the possession of an opponent when he received reasonable notice that it would be needed at the hearing and on request at the hearing failed to produce it, or is not closely related to the controlling issues and it would be inexpedient to require its production, in which cases any type of secondary evidence is admissible;

(b) was served within ten days prior to the hearing in the form of an exact copy upon all parties with a written request to be allowed to introduce the copy as the original and no written objection was filed within five days prior to the hearing;

(c) was accurately reproduced by any photographic process in the regular course of business, in which case a copy shall be admissible as provided in KRS 422.105 and KRS 171.660; or

(d) is an official record, of which an attested copy is made admissible as evidence of the original, as provided in Civil Rule 44, KRS ch. 422 and other statutes.

The copies referred to in (b), (c) and (d) are preferred to other types of secondary evidence.

(3) A party has the right to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(4) Official notice may be taken of judicially cognizable facts. In addition, official notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they may be afforded an opportunity to contest the facts so noticed, including staff memoranda or data.

Section 17. The agency shall personally consider the whole record of such portions thereof as may be cited by the parties. Whenever in a contested case a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until

a tentative or proposed decision has been served upon the parties, and an opportunity has been afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The tentative or proposed decision shall contain a statement of reasons and include the determination of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties may by written stipulation waive compliance with this section.

Section 18. Any final decision adverse to a party, other than the agency, in a contested case shall be in writing or stated in the record. Any final decision shall separately state findings of fact, conclusions of law, reasons for the decision and the effective date of the decision. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If a party has, in accordance with agency regulations, submitted proposed findings of fact, the decision shall include a ruling upon each such proposed finding. Parties shall be notified either personally or by certified mail of any decision and of their rights to appeal. Upon request a copy of the decision shall be delivered or mailed forthwith to each party and to his attorney of record. A summary of all decisions shall be published in the KAR Bulletin except those required to be confidential as determined by the agency rendering the decision.

Nothing in this section shall prevent agencies from entering summary decisions for contested cases informally disposed of under Section 15 (4).

Section 19. Unless required for the disposition of ex parte matters authorized by law, those assigned to render a decision or to make findings of fact in a contested case shall not, directly or indirectly, in connection with any issue of fact, consult with any person, party or agency member, who was engaged in the investigation or prosecution of the case, or conduct any investigation outside the record. Such action may be taken only upon notice and opportunity for all parties to participate.

In connection with any issue of law, no party or representa-

tive shall be consulted except upon notice and opportunity for all parties to participate.

Section 20. (1) Whenever the granting, denial or renewal of a license is required by law to be preceded by notice and opportunity for hearing, the provisions of the act concerning contested cases shall apply.

(2) Whenever a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until such application has been finally determined by the agency, and, in case the application has been denied or the terms of the new license limited, until the last day for seeking review of the agency order, or such later date as may be fixed by the order of the reviewing court.

(3) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency has sent notice by certified mail to the licensee of individual facts or conduct which warrant the intended action, and the licensee has been given an opportunity to show compliance with all lawful requirements for the retention of such license, except where:

(a) The agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action, which proceedings shall be promptly instituted and determined;

(b) the agency's order is expressly required, by a judgment or a statute, to be made without the right to a hearing or continuance of any type.

Section 21. (1) Any person aggrieved by a final decision in a contested case is entitled to judicial review thereof under this Act. Nothing in this section shall be deemed to limit utilization of trial de novo review where provided by statute, but this section shall provide an alternative means of review in those cases.

Any preliminary, procedural, or intermediate agency Act or ruling shall be immediately reviewable in any case in which review of the final agency decision would not provide an adequate remedy.

(2) Proceedings for review shall be instituted by filing a Petition For Review in the Franklin Circuit Court, unless a different place of review is expressly provided by statute, within thirty days after the service of the final decision of the agency or, if a rehearing is held, within thirty days after the decision thereon. Copies of the petition shall be served upon the agency and all other parties of record.

(3) The filing of the petition shall not stay enforcement of the agency decision; but the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after the service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceedings, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence to the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

(6) The review shall be conducted by the court without a jury. In the absence of an express provision in this section, the applicable Rule of Civil Procedure shall be followed. The review shall be confined to the record, except that in cases of alleged

irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs. The review shall be given precedence over other civil cases on the docket, except those given equal status by statute.

(7) Except where trial de novo is provided, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact; but it may affirm the decision of the agency or remand the case for further proceedings, or it may reverse or modify the decision if the substantial rights of the appellant have been prejudiced because the administrative findings, inference, conclusions, or decisions are:

(a) in violation of constitutional or statutory provisions; or

(b) in excess of the statutory authority or jurisdiction of the agency; or

(c) made upon unlawful procedure; or

(d) affected by other error of law; or

(e) clearly erroneous on the basis of the reliable, probative, and material evidence contained in the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Section 22. Any aggrieved party may obtain a review of any final judgment of any circuit court under this Act by appeal to the Court of Appeals. Such appeal must be filed within thirty days, shall be docketed at once and may be given precedence over civil appeals, except those given equal status by statute. Otherwise such appeal may be taken in the manner provided by law for appeals from the circuit courts in other civil cases.

Section 23. If any part of this Act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this Act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected. However, such findings or determinations shall not affect the operation of the remainder of this Act in its application to the agencies concerned.

**HB 442**, AN ACT relating to actions against the Commonwealth of Kentucky arising out of its contracts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Definitions. As used in this Act, unless the context requires otherwise:

(1) "Claim for Breach of Contract" means a claim for damages arising out of a contract with the Commonwealth and for which there is not a clause in the contract providing in terms for payment of such claim.

(2) "Claim for Enforcement of Contract" means a claim arising out of a contract with the Commonwealth for payment of money or adjustment of contract price pursuant to a clause in the contract providing in terms for such payment or adjustment.

(3) "Commonwealth" means the Commonwealth of Kentucky and any of its departments or agencies.

(4) "Contracting Agency" means any department or agency of the Commonwealth of Kentucky having entered into a lawfully authorized written contract.

Section 2. Any person, firm or corporation, having entered into a lawfully authorized written contract with the Commonwealth after the effective date of this act, may bring an action against the Commonwealth on a claim for enforcement of contract or on a claim for breach of contract in the Franklin Circuit Court, provided, however, that all available remedies under any regulation of the contracting agency or under any clauses in the contract shall first be exhausted. Any such action shall be tried by the Court sitting without a jury. All defenses in law or equity, except the defense of governmental immunity, shall be preserved to the Commonwealth. If a hearing by the contracting agency is held, and a record thereof is made, the final disposition of the claim by the agency may be appealed to the Franklin Circuit Court. On appeal no new evidence may be introduced except as to fraud or misconduct of some person engaged in the hearing before the contracting agency. The

Court sitting without a jury shall hear the cause upon the record before it, and dispose of the appeal before it in a summary manner, being limited to determining: whether or not the contracting agency acted without or in excess of its powers; the decision was procured by fraud; the decision is not in conformity to law, and whether the findings of fact support the decision of the contracting agency. The Court shall enter its findings as a judgment of the Court, and such judgment shall have the same effect and be enforceable as any other judgment of the Court in civil cases.

Recovery on a claim for breach of contract shall not exceed an amount equal to the original amount of the contract, exclusive of any additions by means of change order or other adjustment, between the claimant and the Commonwealth. Recovery on a claim for enforcement of contract shall not exceed the total amount remaining to be paid under the terms of the original contract between the claimant and the Commonwealth, including any additions by change order or other adjustment, so that the total liability of the Commonwealth, including any amount necessary to satisfy any claim for enforcement of the contract, is limited by the amount established for the contract.

Section 3. Any agency or department of the Commonwealth that holds a hearing as is provided in Section 2 of this Act may promulgate rules and regulations governing the practice and procedure to be followed at such hearings or follow procedures adopted by the Department of Finance. All such hearings shall be conducted by a hearing examiner who shall be an attorney. The formal rules of evidence used by courts shall apply. Each agency or department holding such hearings shall have the power to subpoena and administer oaths in connection with such hearings.

Section 4. Appeals may be taken to the Court of Appeals from Franklin Circuit Court under the same conditions and under the same practice as appeals are taken from judgments in civil causes rendered by circuit courts. The Court of Appeals shall review only the matters subject to review by Franklin Circuit Court.

Section 5. No person, firm, or corporation shall be per-

mitted more than one money recovery upon a claim for the enforcement of or for breach of contract with the Commonwealth.

Section 6. If a contracting agency has provided for hearings or other administrative remedies for resolving claims for enforcement of contracts or for breach of contracts, such claims shall be presented to the agency within one year after they have accrued. Any such claim shall be commenced in Franklin Circuit Court within one year after the claim accrues or within ninety (90) days after a final adverse agency decision made pursuant to a regulation or clause in the contract, whichever occurs later.

Section 7. Each agency which has had an award or judgment against it upon a claim filed pursuant to this Act shall furnish a certified copy of the award of judgment to the Department of Finance. The Department of Finance shall request an appropriation from the next regular session of the General Assembly for the purpose of satisfying all such awards and judgments granted during the preceding two fiscal years.

**HR 96**, A JOINT RESOLUTION authorizing the Department of Child Welfare to participate with the Kentucky Federation of Women's Clubs in the construction and subsequent operation of a rehabilitation center for delinquent girls.

WHEREAS, the Kentucky Federation of Women's Clubs has resolved to finance the construction of a rehabilitation center for delinquent girls; and

WHEREAS, the Department of Child Welfare has long realized the need for a treatment center for the many delinquent girls committed each year to it, and therefore recognizes the great potential benefit to it which such a center would afford; and

WHEREAS, the Kentucky Federation of Women's Clubs is to be commended for undertaking to raise funds to construct such a facility; and

WHEREAS, the Department of Child Welfare has indicated a willingness to participate in the construction and operation of such a treatment center for delinquent girls;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

The Department of Child Welfare is authorized to make available, in a manner and on a basis agreed upon by the parties, for a determinable period of time any surplus real property which it may hold to the Kentucky Federation of Women's Clubs for the purpose of constructing thereon a Rehabilitation Center for Delinquent Girls, and to participate with such funds as it may have available in the construction of said Center and thereafter in the operation thereof; provided, however, that any action pursuant to this resolution by the Department of Child Welfare shall be subject to the prior approval of the Commissioner of Finance and in accordance with any requirements which said Commissioner may deem appropriate and necessary in accordance with the applicable laws of this Commonwealth.

The Committee on Roads and Highways reported **HB 337** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 337**, AN ACT relating to the control of junkyards.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 177.905 of the Kentucky Revised Statutes is amended to read as follows:

As used in Kentucky Revised Statutes 177.905 to 177.950, unless the context otherwise requires:

(1) "Road" means any county, state, federal or limited access highway or turnpike, including bridges and bridge approaches.

(2) "Automobile, vehicle or machinery junkyard" means any place where five or more junked, wrecked or non-operative automobiles, vehicles, machines and other similar scrap or salvage materials are deposited, parked, placed or otherwise located.

*(3) "Material junkyard" shall mean any establishment or place of business, including garbage dumps and sanitary fills,*

*maintained, operated, or used for storing, keeping, buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or motor vehicle parts, iron, steel, and other old or scrap ferrous or nonferrous material.*

*(4)* [(3)] "Operator or operators" means a person, firm or corporation operating an automobile, vehicle, [or] machinery *or material* junkyard or the allowing of such automobile, vehicle, [or] machinery *or material,* junkyard to be placed or deposited, or to remain on premises owned or controlled by such person, firm or corporation.

*(5)* [(4)] "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, *body politic* or corporation.

*(6)* [(5)] "Department" means the Kentucky Department of Highways.

*(7)* [(6)] "Commissioner" means the Commissioner of the Kentucky Department of Highways.

Section 2. Section 177.910 of the Kentucky Revised Statutes is amended to read as follows:

No person shall operate or cause to be operated any automobile, vehicle, [or] machinery *or material* junkyard which is situated closer than 2000 feet to the centerline of any road unless a permit for such operation shall have been obtained from the department. The operation of any automobile, vehicle, [or] machinery *or material* junkyard so situated without a permit is hereby declared to be a public nuisance.

Section 3. Section 177.915 of the Kentucky Revised Statutes is amended to read as follows:

The permit required by Kentucky Revised Statutes 177.910 shall be issued in accordance with the rules and regulations of the department, promulgated pursuant to the provisions of Kentucky Revised Statutes 177.905 to 177.950, when it is shown to the satisfaction of the commissioner that an automobile, vehicle, [or] machinery *or material* junkyard located closer than 2000 feet to the center line of any road is, so far as deemed practical by the commissioner, hidden from the view of motorists using

such road by an artificial or natural screen, or is by virtue of natural topography so hidden. The screening required in this section may be effected by the construction of a fence, or by planting shrubs, trees, or flowering plants, the foliage of which provides a sufficient screen or by making use of foliage already in existence. The screening required in this section for automobile, vehicle or machinery junkyard must be in use within six months of June 14, 1962. *The screening required in this section for material junkyards must be in use by January 1, 1968. If in the opinion of the commissioner any automobile, vehicle, machinery, or material junkyard cannot as a practical matter be screened, it shall be removed from the sight of motorists using such roads; provided, however that any material junkyard that cannot as a practical matter be screened, shall not be required to be removed until July 1, 1970.*

Section 4. Section 177.935 of the Kentucky Revised Statutes is amended to read as follows:

The department is hereby empowered to:

(1) Exercise general supervision of the administration and enforcement of Kentucky Revised Statutes 177.905 to 177.950.

(2) Adopt, after hearing, such rules and regulations pertaining to the operation of automobile, vehicle, [and] machinery *or material* junkyards as the commissioner may deem necessary to the administration and enforcement of Kentucky Revised Statutes 177.905 to 177.950.

(3) Adopt, without hearing, rules and regulations with respect to the sufficiency, type of material or foliage, height, density and size of screening required by Kentucky Revised Statutes 177.915 to insure the accomplishment of the purpose of Kentucky Revised Statutes 177.905 to 177.950.

(4) Adopt, without hearing, rules and regulations with respect to the procedural aspects of hearings, the filing of reports and orders, the issuance of permits and other matters.

(5) Issue, after hearing, orders abating the operation of an automobile, vehicle, [or] machinery *or material* junkyard in violation of the provisions of Kentucky Revised Statutes 177.905 to 177.950, or requiring the adoption of remedial measures in-

cluding the construction or planting of screens or the utilization of natural screening, extension, modification or addition to new or existing screens.

(6) Issue, continue in effect, revoke, modify or deny under such conditions as the department may prescribe permits for the operation of an antomobile, vehicle, [or] machinery *or material* junkyard.

(7) Make investigations or inspections which may be deemed necessary by the commissioner to insure compliance with the provisions of Kentucky Revised Statutes 177.905 to 177.950, or with any rules, regulations or orders of the department which may be deemed necessary to enable the department to administer and enforce the provisions of Kentucky Revised Statutes 177.905 to 177.950.

(8) Institute in a court of competent jurisdiction procedures, *including injunctive relief,* to compel compliance with the provisions of Kentucky Revised Statutes 177.905 to 177.950 and with the orders, rules and regulations issued pursuant thereto.

(9) Enter at any reasonable time through any officer, assistant, agent or employee in or upon any public or private property for the purpose of investigation and inspection of conditions relating to the operation of any automobile, vehicle, [or] machinery *or material* junkyard.

(10) Perform such other and further acts as may be necessary, proper or desirable in order to carry out effectively the duties and responsibilities of the department prescribed in Kentucky Revised Statutes 177.905 to 177.950.

Section 5. Section 177.940 of the Kentucky Revised Statutes is amended to read as follows:

(1) Public hearings shall be conducted by the department prior to the adoption of any rules or regulations which pertain to the prevention, abatement or control of automobile, vehicle, [or] machinery *or material* junkyards or before the issuance of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of any rules, regulations, orders or permits of the department; or before denial, revocation

or modification of any permit provided for by Kentucky Revised Statutes 177.905 to 177.950; or before any other final determination is made by the department which directly affects the activities of any person.

(2) The department shall grant a hearing to any person, not previously heard in connection with the issuance of any order or the making of any determination, who may consider himself aggrieved by any such order or determination and who shall file with the department a verified petition alleging that such order or determination is contrary to law or that is injurious to him, stating the grounds and reasons therefor and requesting a hearing thereon. At such hearing the petitioner may appear in person or by attorney, may present his side and may submit evidence, and shall be given full opportunity to be heard.

(3) The hearings provided for in Kentucky Revised Statutes 177.905 to 177.950 may be conducted by the commissioner, deputy commissioner or any highway official designated by the commissioner in the name of the department at a time and place specified by the commissioner.

Section 6. Section 177.950 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any aggrieved person who has petitioned for a hearing may within fifteen days of the mailing of notice of the final decision of the department following the hearing appeal from any decision, order or ruling to the Franklin Circuit Court. The aggrieved person shall file as part of his petition to the Franklin Circuit Court the record from the department including all the pleadings and orders.

(2) Except as otherwise expressly provided, the provisions of the [Civil Code] *Rule of Civil Procedure* shall govern procedure involving appeals from any order or ruling of the department.

Section 7. A new section of the Kentucky Revised Statutes, to be designated as KRS 177.916, is created to read as follows:

*Automobile, vehicle or machinery junkyards or material*

*junkyards which comply with the applicable zoning ordinances and regulations of any county or city, and which are located in industrially developed areas, as determined in the discretion of the Commissioner of Highways, and which areas are located within the corporate limits of any city as such limits existed on March 1, 1966, shall not be deemed to be in violation of KRS 177.905 to 177.950.*

The Committee on Judiciary and Judicial Council reported **HB 291** and **HB 292** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 291**, AN ACT relating to exemption of property from seizure under legal process.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 427.010 is amended to read:

[The following property of a person with a family resident in this state is exempt from execution, attachment, distress or fee-bill:]

(1) *The following personal property of a person or a person with a family or head of household resident in this state is exempt from execution, attachment, garnishment, distress or fee-bill: All household furnishings not to exceed fifteen-hundred dollars in value and tools, equipment and livestock, including poultry, of a person engaged in farming, not exceeding fifteen-hundred dollars in value are exempt from execution, attachment, garnishment, distress or fee-bill; one motor vehicle and its necessary accessories, including one spare tire, of a person engaged in farming or a person who uses his car in his employment or traveling to and from his place of employment is exempt from execution attachment, garnishment, distress or fee-bill.* [Two work beasts, or one work beast and one yoke of oxen; two plows and gear; one wagon, cart or dray and gear; two axes, three hoes, one spade, one shovel; two cows and calves; beds, bedding and furniture, sufficient for family use; one loom and spinning wheel and pair of cards; all of the spun yarn and manufactured cloth manufactured by the family necessary for family use; carpeting

for all family rooms in use; one table; books, not to exceed seventy-five dollars in value; two saddles and their appurtenances; two bridles; six chairs, or so many as do not exceed ten dollars in value; one cradle; poultry on hand, not to exceed one hundred dollars in value; ten head of sheep, not to exceed twenty-five dollars in value; all wearing apparel; sufficient provisions, including breadstuff and animal products, to sustain the family in one year; provender suitable for livestock, if there is any livestock, not to exceed seventy dollars in value, or, if such provender is not on hand, such other property as does not exceed that sum in value; washing apparatus, not to exceed seventy-five dollars in value; one sewing machine; all family portraits and pictures; one cooking stove and appurtenances; cooking utensils, not to exceed twenty-five dollars in value.]

*(2) Wages, salaries, and other income from labor:*

*Of net wages, net salary, net commission or net income of every such person, when earned by labor the following percentages shall be exempt from attachment:*

*75% of all in any pay period except:*

*If the judgment to be collected is for the furnishing of necessities and the verified complaint judgment and order of attachment so state then only 50% of all arnings in any pay period shall be exempt.*

*(3) Necessities as used in this section shall be limited to articles of food, clothing (including shoes), medicine, medical services, drugs, rent and public utilities.*

[(2) Ninety percent of the salary, wages or income earned by labor, of every person earning a salary, wages or income of seventy-five dollars or less per month. The lien created by service of garnishment, execution, or attachment shall only affect ten percent of such salary, wages or income earned at the time of service of process.]

[(3) Sixty-seven dollars and fifty cents per month of the salary, wages or income earned by labor, of any person earning a salary, wages or income in excess of seventy-five dollars per month.]

Section 2. KRS 427.020 is amended to read:

*The officer making the levy shall, prior to selling the defendant's property, ascertain the value of the property by an appraisal made by two discreet, disinterested persons, one appointed by the officer and one appointed by the defendant. The defendant may select which items of his property he chooses to retain so long as the total value of the property retained does not exceed the value of the exemptions set out in this chapter.* [A work beast exempted under KRS 427.010 shall not exceed one hundred and fifty dollars in value, nor a cow and calf, sixty dollars. If the officer when making the levy believes the animals levied on exceed in value the respective sums allowed, or if the plaintiff in the writ demands it, the officer shall have the animals appraised. The appraisal shall be made by two disinterested housekeepers of the county, one to be selected by the officer and the other by the defendant, and, in case of disagreement, the two shall select a third. The appraisers shall be sworn by the officer to discharge their duties as required in the appraisement of real property sold under execution. If it appears from the appraisement that the animals have a greater value than the amounts allowed, they shall be sold and the defendant allowed out of the proceeds of the sale of each animal the sums above specified. The officer shall return the appraisement with the writ under which he was acting.]

Section 3. KRS 427.030 is amended to read:

The tools, not exceeding *three* [one] hundred dollars in value, of any mechanic *necessary in his trade* are exempt from levy under execution, attachment, distress for rent or fee-bill. [If a mechanic claims the benefit of this section, there shall be but one work beast exempt in his favor. The officer making the levy shall, before proceeding to sell the tools, ascertain their value by an appraisal by two discreet, disinterested housekeepers selected and sworn by him.] *One motor vehicle and its necessary accessories, including one spare tire, of a mechanic or other skilled artisan primarily engaged in the replacement, repair, or emergency servicing of essential mechanical, electrical or other equipment in general use, is exempt from execution, attachment, garnishment, distress warrant or fee-bill.* [The officer shall set

apart for the defendant the tools exempt, which may be selected by the defendant, and may sell the residue. A list of the tools set apart shall be returned by the officer with the process.]

Section 4. KRS 427.040 is amended to read:

*The professional library, office equipment, instruments and furnishings of a minister, attorney, physician, surgeon, chiropractor, veterinarian, or dentist, necessary in the practice of such profession, and not exceeding one thousand dollars in value shall be exempt from execution, attachment, garnishment, distress warrant or free-bill. In addition to the above exemption one motor vehicle with necessary accessories, including one spare tire shall be exempted.* [The libraries of all ministers of the gospel, the professional libraries of attorneys and the professional libraries and instruments of physicians and surgeons, not exceeding five hundred dollars in value, are exempt from execution, attachment, distress for rent or fee-bill. Ministers, attorneys, physicians and surgeons shall be entitled to only one work beast, and to no wagon, cart or dray.]

Section 5. KRS 425.210 is amended to read:

*The order of attachment shall be in triplicate and addressed to the employer and shall have printed thereon the following information:*

*(a) That all persons earning net wages, net salaries and other net incomes from labor shall be entitled to exemption;*

*(b) The percentage of net wages and other net income that is to be paid to the employe and the percentage to be forwarded to the court;*

*(c) That net wages, net salaries or other net income shall consist of the total amount due as of the end of the employer's pay period during which the attachment or levy of execution is served less amounts withheld for taxes and fees due federal, state, and local governments, union dues, medical insurance and retirement programs.*

*(d) Directions that a copy of the attachment shall be delivered to the employe, a copy retained for the employer's records and the third copy shall be returned to the court;*

*(e) That the net amount due the employe shall be endorsed on the reverse side of the court copy of the attachment and shall be forwarded to the court along with the amount attached;*

*(f) That if no funds are due this fact shall be stated on the court copy of the attachment together with the reason why no funds are due;*

*(g) The exemptions provided herein shall not apply for executions, attachments, or garnishments, issued for the collection of maintenance of minor children.*

[The order of attachment shall be directed and delivered to the sheriff, with as many copies thereof as the plaintiff may direct. It shall require him to attach and safely keep the property of the defendant in his county not exempt from execution, or so much thereof as will satisfy the plaintiff's claim specified in his affidavit, which shall be stated in the order, and the probable costs of the action, not exceeding thirty dollars; also to summon the garnishees to answer in the action in the manner and at the time required for an answer by the Rules of Civil Procedure, and to make due return thereof. The order shall be made returnable as an order of arrest is directed to be returned.]

**HB 292**, AN ACT relating to garnishment proceedings.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 425.315 is amended to read:

(1) Each garnishee summoned shall appear. The appearance may be in person; or by the affidavit of the garnishee, served and filed in the manner and at the time required for an answer by the Rules of Civil Procedure, disclosing truly the sum owing by him to the defendant, whether due or not, and the property of the defendant in the possession or under the control of the garnishee. [; and, in the case of a corporation, any shares of stocks herein held by or for the benefit of the defendant at or after the service of the order of attachment.]

(2) If such garnishee or officer make default, by not appearing, the court may, on the motion of the plaintiff, compel

him to appear in person for examination, by process as in cases of contempt; or it may hear proof of any debt owing or property held by the garnishee to or for the defendant, and make such order in relation thereto as if what is so proved had appeared on the examination of the garnishee or officer.

Section 2. The person seeking an order of attachment against personal earnings or an order in aid of execution against personal earnings must make a demand in writing for the excess of the amount of personal earnings exempt from execution, attachment, or sale to satisfy a judgment or order, or so much thereof as will satisfy the claim. The demand shall be made at least five and not more than thirty days before such order of attachment or order in aid of execution is sought, by delivering such demand to the debtor personally, or by leaving it at, or by sending it by certified letter to, his usual place of residence.

The demand shall contain a statement in substance that application for an order of attachment or order in aid of execution will be made to the court wherein the suit was filed within a period not less than five nor more than thirty days from date unless before said five days have expired the claim has been paid in full.

The Committee on Public Health reported **SB 66** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 66**, AN ACT relating to nursing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

It is the declared policy of the General Assembly of Kentucky that the practice of nursing should be regulated and controlled as provided herein in order to protect and safeguard the health and safety of the citizens of the Commonwealth of Kentucky.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act, unless the context thereof requires otherwise:

(1) "Board" shall mean Kentucky Board of Nursing Education and Nurse Registration;

(2) "Nurse" shall mean a person licensed under the provisions of this Act as a registered nurse or as a licensed practical nurse;

(3) "Registered nurse" shall mean one who performs for compensation as a nurse any act in the observation, care and counsel of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications or treatments as prescribed by a licensed physician or licensed dentist; requiring substantial specialized judgment and skill and based on knowledge and applications of the principles of biological, physical and social science, but shall not be deemed to include acts of medical diagnosis or prescription of therapeutic or corrective measures.

(4) "Practical nurse" shall mean one who performs for compensation delegated acts in the care of the ill, injured or infirm under the direction of a registered nurse or a licensed physician or licensed dentist; and not requiring the substantial specialized judgment and knowledge required of the registered nurse.

(5) "School of Nursing" shall mean an institution conducting or offering to conduct a nursing education program for the preparation or training for licensure of a person as a registered nurse or a practical nurse.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) It shall be unlawful for any person to call or hold himself out as or use the title of nurse or to practice or offer to practice as a nurse unless licensed under the provisions of this Act.

(2) It shall be unlawful for any person to operate or to offer to operate or to represent or advertise the operation of a

school of nursing unless such school of nursing has been accredited under the provisions of this Act.

(3) Ancillary nursing personnel and student nurses may give nursing assistance, unrelated to their educational training, for compensation as long as they are not identified as licensed either as a registered nurse or as a practical nurse.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Governor shall appoint a board of Nursing Education and Nurse Registration consisting of seven members: provided, however, that the present members of the board shall continue to serve until their respective terms expire or until their successors have been appointed and qualified. Each appointment shall be for a term of four years. At least three months before the expiration of the term of any member of the board, the Kentucky Nurses Association shall submit to the Governor a list of members qualified for appointment, in number not less than twice the number of appointments to be mad , from which list the Governor shall make each appointment c appointments as necessary.

(2) A vacancy on the board shall be filled by the Governor from the list of names submitted under subsection (1).

(3) The Governor may remove any member from the board for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

(4) Each member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an accredited school of nursing, a registred nurse in this state and hold at least a bachelor's degree in nursing and in addition, shall have had at least five years of experience, three of which shall immediately precede such appointment in administration or teaching in schools of nursing or administration or supervision in nursing service. At least one member of the board shall be a registered nurse faculty member of an approved school of practical nursing.

(5) The Governor shall appoint an Advisory Council to the board consisting of seven members to be selected one each

from lists submitted by Kentucky Medical Association, Kentucky Hospital Association, Kentucky Nursing Home Association, Kentucky Nurses Association, Kentucky State Association of Licensed Practical Nurses, Kentucky Dental Association and Kentucky Pharmaceutical Association. The council shall function in an advisory capacity only as a constructive force in establishing and maintaining standards of nursing and licensure regulations in the interest of public protection, and, in this connection shall be provided with copies of any proposed regulations of the board at least thirty days prior to their filing with the Legislative Research Commission.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The board shall meet annually in Frankfort within thirty days after each annual appointment or appointments and shall elect from its members a president and a secretary-treasurer. It shall hold such other meetings during the year as may be deemed necessary to transact business. A majority of the board including one officer shall constitute a quorum at any meeting. The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act. The board shall prescribe curricula and standards for schools of nursing and courses preparing persons for licensure under this Act. It shall provide for surveys of such schools and courses at such time as may be necessary, approve such schools and courses as meet the requirements of this Act and of the board, evaluate and approve courses for affiliation, and examine license and renew the license of duly qualified applicants; it shall conduct hearings upon charges calling for discipline of a licensee or denial or suspension or revocation of a license, have power to issue subpoenas, and compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and cause the prosecution of all persons violating any provisions of this Act. It shall keep a record of all its proceedings and make an annual report to the governor.

(2) The board shall employ a qualified person to serve as executive secretary to the board, and shall fix his compensation

and define his duties. It may employ such other persons as may be necessary to carry on the work of the board.

(3) The executive secretary shall meet at least the qualifications for board members and shall have had at least two years of experience in nursing school administration immediately preceding the time of his appointment.

(4) Each member of the board shall receive, in addition to necessary traveling, hotel and other necessary expenses, ten dollars for each day he is actually engaged in the discharge of his official duties. Employees of the board shall be reimbursed for necessary traveling, hotel or other necessary expenses incurred in the discharge of their duties.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) An applicant for a license to practice as a registered nurse shall file with the board a written application for a license and submit evidence, verified by oath, that the applicant is of good moral character; is in good physical and mental health; has completed at least an approved four-year high school course of study or the equivalent thereof as determined by an appropriate educational agency; and has completed the basic professional curriculum in an approved school of professional nursing and holds a diploma therefrom.

(2) An applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.

(3) The board may issue a license to practice nursing as a registered nurse without examination, to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant is qualified to practice professional nursing in this state.

(4) The board, at its discretion, may issue a temporary

license to nurses who are licensed in and citizens of other countries; provided such license shall be issued for a period not to exceed one year.

(5) The applicant for licensure to practice as a registered nurse shall pay a fee of not more than $25.00.

(6) Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "Registered Nurse" and the abbreviation "R. N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse. No person shall practice as a registered nurse unless licensed under this section or excepted under the provisions of this Act.

(7) Any person holding, on July 1, 1966, a valid license or certificate of registration to practice nursing as a registered nurse issued under the prior law shall thereafter be deemed to be licensed as a registered nurse under the provisions of this Act, subject to the renewal requirements of this Act.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The license of every person under the provisions of this Act shall be annually renewed except as hereinafter provided. At least six weeks before the renewal date the board shall mail an application for renewal to every person to whom a license was issued during the current year. The applicant shall fill in the application form and return it to the board with the renewal fee prescribed by the board but not in excess of $10.00, before the expiration date of his current license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a license to practice for the ensuing year. Such license shall render the holder a legal practitioner of nursing for the period stated on it. The board shall prescribe by regulation the beginning and ending of the licensed year.

(2) Any licensee who allows his license to lapse by failing to renew the license as provided above may be reinstated by the

board on satisfactory explanation for such failure to renew and on payment of current fee for original licensure.

(3) Any person practicing nursing during the time the license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of the provisions of this Act.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that it is prepared to carry out the minimum prescribed basic curriculum in nursing and that it is prepared to fulfill other requirements of standards which are established by this Act and the duly adopted regulations of the board. No person shall operate a nursing education program or school of nursing without complying with the provisions of this section.

(2) A survey of the institution and its proposed education program shall be made by the Executive Director or an authorized employee of the board who shall submit a written report of the survey to the board. If in the opinion of the board the requirements for an accredited nursing education program or school of nursing are met it shall accredit the school.

(3) Periodic surveys of all schools of nursing shall be made under the supervision of the board. Written reports of such surveys shall be submitted to the board. If the board determines that any approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying their deficiencies shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be discontinued after hearing.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) This Act does not prohibit: The furnishing of nursing assistance in an emergency; the practice of nursing which is incidental to their program of study by students enrolled in nurs-

ing education programs accredited by the board; the practice of any legally qualified nurse of another state who is employed by the U. S. Government or any bureau, division or agency thereof; while in the discharge of his or her official duties; or the employment for the purpose of giving nursing assistance of aides, technicians, orderlies, attendants, or other ancillary workers in private homes, hospitals, nursing homes, physicians' offices, or other institutions and agencies.

(2) Nothing in this Act shall be construed as prohibiting care of the sick with or without compensation or personal profit when done in the connection with the practice of the religious tenets of any recognized or established church by adherents thereof as long as they do not engage in the practice of nursing as defined in this Act.

(3) A temporary work permit may be issued by the board to persons who have completed the requirements for, applied for and paid the fee for licensure by examination or endorsement. Temporary work permits shall be issued only for the length of time required to process applications for endorsement or to conduct and determine the results of examinations and shall not be renewed. No temporary work permit shall be issued to an applicant who has failed the licensure examination.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The board shall have power to deny, revoke, probate or suspend any license to practice nursing issued by the board or applied for in accordance with this Act, or to otherwise discipline a licensee upon proof that the person: is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or is guilty of a crime or gross immorality; or is unfit or incompetent by reason of negligence, habits or other causes; or is habitually intemperate or is addicted to the use of habit-forming drugs; or is mentally incompetent; or is guilty of unprofessional conduct; or has willfully or repeatedly violated any of the provisions of this Act.

(2) In all proceedings for suspension or revocation of the license of a registered or practical nurse, the licensee shall be

furnished with a copy of the charges and shall be given at least thirty days to prepare defense. The person charged shall be heard by the board in person or by counsel or both, as may be desired. The presiding officer of the board may administer the oath in any matter arising in the course of duties. In the hearing the board may take oral or written proof for or against the aggrieved person.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

An applicant for a license to practice as a licensed practical nurse shall submit to the board written evidence that the applicant is at least eighteen years of age, is of good moral character, has completed at least three years, if twenty-five years of age or less, or at least two years, if more than twenty-five years of age, of high school or its equivalent as determined by an appropriate educational agency, and has completed the required educational program in practical nursing at an accredited school of nursing and holds a diploma or certificate therefrom.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The board shall meet for the purpose of conducting examinations of applicants for licensure as licensed practical nurses at least once a year, at a time and place determined by the board. Notices of such examinations shall be published in two newspapers in general circulation. Notices shall be sent by mail to every applicant after applications are received, and to every approved school of practical nursing in this state at least thirty days before the meeting.

(2) The board shall appoint an Assistant Board of Practical Nurse Examiners to assist the board in carrying out the purposes of sections 11. through 18. of this Act. The Assistant Board of Practical Nurse Examiners shall consist of three licensed practical nurses who have been selected by the board from a list of three names submitted by the Kentucky State Association of Practical Nurses for each appointment. The term of each applicant shall be for a period of three years each, provided, however, that the present Assistant Board shall serve until their terms ex-

pire or their successors have been appointed and qualified under this section.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of not more than $25.00 to the board.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall issue to the applicant a license to practice as a licensed practical nurse.

(2) The board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for a licensed practical nurse in this state.

Section 15. A new section of the Kentucky Revised Statutes is created to read as follows:

Every license issued by the board shall be signed and have the seal of the board affixed. A licensee shall be prepared to exhibit his license or a certified copy of it whenever required.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

All fees received by the board and collected under sections 6 and 13 of this Act shall be deposited with the State Treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the revolving fund of the board. The fund shall be held subject to the order of the board, and to be used for meeting

necessary expenses incurred in the performance of the purposes of this Act and the duties imposed thereby.

Section 17. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any person holding on July 1, 1966, a valid license issued under a previous licensing act, shall thereafter be deemed to be licensed as a registered nurse or as a licensed practical nurse, entitled to renewal of such license upon compliance with the provisions of this Act.

(2) Any person heretofore licensed as a practical nurse under the licensing laws of this state who has allowed such license to lapse by failure to renew may apply for reinstatement of such license under the provisions of this Act.

(3) For a period of six months following the effective date of this Act, persons not possessing the requirements herein specified but otherwise qualified may be licensed as a registered nurse or a licensed practical nurse, provided that they have been actively engaged in the practice of nursing in this state for at least two years within the five year period immediately preceding the effective date of this Act, and further provided that they successfully pass the examination for licensure as a registered nurse or a licensed practical nurse.

Section 18. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person who holds a license to practice as a licensed practical nurse in this State shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L. P. N.". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse.

Section 19. A new section of the Kentucky Revised Statutes is created to read as follows:

This Act shall not be construed to confer on the board any power relating to the authority of the management or board of trustees of any hospital or other agency to manage, direct, super-

vise and otherwise control the internal affairs, including but not limited to work assignments of personnel, of any hospital or other agency.

Section 20. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any person who violates any provision of sections 1. through 10. of this Act for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provisions of sections 1. through 10. of this Act shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the board in applying for a license under sections 1. through 10. of this Act shall be fined not more than five hundred dollars.

(3) Any person who violates any provisions of sections 11. through 18. of this Act for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provision of sections 11. through 18. of this Act shall be considered a separate offense.

(4) Any person who wilfully makes any false representation to the board in applying for a license under sections 11. through 18. of this Act shall be fined not more than five hundred dollars.

Section 21. Sections 314.010, 314.200, 314.210, 314.220, 314.230, 314.240, 314.250, 314.260, 314.270, 314.310, 314.320, 314.330, 314.340, 314.350, 314.360, 314.370, 314.380, 314.390 and 314.990 of the Kentucky Revised Statutes are hereby repealed.

Section 22. This Act shall become effective July 1, 1966.

## Calendar

**HB 174, HB 65, HB 115, HB 127, HB 423, HB 424, HB 275, HB 298, HB 331, HB 92, HB 205, HB 225** with Committee Substitute attached thereto, **HB 241, HB 242, HB 421, HR 73,**

**HB 418, HB 37, SB 63, SB 64, HB 131** with Committee amendment attached thereto, **HB 339, HB 284** with Committee Substitute attached thereto, **HB 407, HB 239, HB 280, HB 323, HR 76, SB 24, HB 114, HB 316** with Committee Substitute attached thereto, **HR 71, HB 454, HB 422, HB 349, HB 378, HB 106, HB 248, HB 118, HB 201, HB 261, HB 352, HB 391** and **SB 41** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Recess

Representative John Y. Brown moved that the House recess one hour for lunch. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Orders of the Day

**HB 8** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wells moved the adoption of the following amendment to **HB 8**:

Amend printed copy of House Bill No. 8 on page 1, line 7, by:

inserting before the word "liability" the word: "automobile"

and on page 1, line 7, by deleting the following: ", personal injury, and property damage"

and on page 1, line 9, by deleting all after the word "bodies."

and by deleting lines 10 and 11 in their entirety

and on page 2, line 1, by inserting after the word "purchase" the word "automobile"

and on page 2, line 1, by deleting the word "personal"

and on page 2, line 1, by replacing the semicolon after the word "insurance" and putting in its place a comma

and on page 2, line 7, by inserting before the word "liability" the word "automobile"

and on page 2, line 8, by inserting after the word "obtain" the word "automobile"

and on page 2, line 8, by deleting ", personal injury or property"

Agreed.

On the roll call the vote was yeas 53—Allen, Ball, Bates, Bicknell, Billings, Blume, Bourne, Brady, Archie Brown, Edward G. Brown, Buky, Caldwell, Carroll, Chaudoin, Clark, Cox, Criscillis, Eicher, Floyd, Hale, Harris, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Jordan, Kelly, King, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Secrest, Sheehan, Smothers, Straney, Stuart, Tucker, Wallace, Warders, Wells. Nays 5—Arnett, Barber, Blythe, Bondurant, DeMarcus.

**HB 8** as amended was passed and the title agreed to.

**HB 162** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, Buky, Caldwell, Carroll, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jordan, Keene, Kelly, Lassiter, Leeds, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Osborn, Peace, Peniston, Pettit, Pile, Riddle, Russell, Sartin, Secrest, Sheehan, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wheeler, Wright. Nays 0.

**HB 162** was passed and the title agreed to.

Representative Straney moved that the vote by which **HB 162** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 219** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Chaudoin, Clapp, Cox, Criscillis, DeMarcus, Eicher, Floyd, Hale, Harper, Harris, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Osborn, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, Wright, Young. Nays 0.

**HB 219** was passed and the title agreed to.

**HR 43** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Allen, Arnett, Barber, Bartley, Bates, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Osborn, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, Wright, Young. Nays 2—McCowan, Stuart.

**HR 43** was passed and the title agreed to.

**HB 54** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Johnson, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Osborn, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Roberts, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, Wright, Young. Nays 0.

**HB 54** was passed and the title agreed to.

**HB 148** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Ostertag moved that **HB 148** be laid on the table.

On the roll call the vote was yeas 12—DeMarcus, Floyd, Henry, King, John D. Miller, Ostertag, Pile, Russell, Siemens, Smothers, Webster, Young. Nays 34—Allen, Arnett, Ball, Barber, Bartley, Bates, Bondurant, Bourne, Archie Brown, E. G. Brown, Carroll, Clapp, Clark, Cox, Criscillis, Eicher, Harper, Hinkle, Hislope, James E. Hunt, Johnson, Keene, Kessinger, Lassiter, Maddox, McCowan, Morgan, Peace, Peniston, Roberts, Sartin, Straney, Tucker, Wright.

The motion to table **HB 148** was rejected.

On the roll call the vote was yeas 57—Allen, Arnett, Ball, Barber, Bartley, Bates, Billings, Blume, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Floyd, Hale, Harper, Harris, Henry, Hislope, James E. Hunt, Irick, Isler, Jordan, Keene, Kelly, Kessinger, Lassiter, Maddox, Majors, Martin, McIntyre, Morgan, Peace, Peniston, Pile, Russell, Sartin, Secrest, Sheehan, Straney, Stuart, Tucker, Wallace, Webster,

Wheeler, Wright, Young. Nays 6--DeMarcus, John D. Miller, Ostertag, Riddle, Short, Smothers.

**HB 148** was passed and the title agreed to.

**HB 211** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 70--Allen, Arnett, Ball, Barber, Bartley, Bates, Billings, Blume, Blythe, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Eicher, Harper, Harris, Henry, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, King, Leeds, Maddox, Majors, Martin, John D. Miller, Morgan, Osborn, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, Wright, Young. Nays 0.

**HB 211** was passed and the title agreed to.

Representative Chaudoin moved that the vote by which **HB 211** was passed be reconsidered and said motion be laid on the table. Agreed.

**HR 14** taken from Orders of the Day and ordered read at length for the third time. Representative Riddle moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

**HR 14** was passed and the title agreed to.

**HR 15** taken from Orders of the Day and ordered read at length for the third time. Representative Riddle moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

**HR 15** was passed and the title agreed to.

**SR 6** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

**SR 6** was passed and the title agreed to.

**SR 7** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

**SR 7** was passed and the title agreed to.

**HB 13** with Committee amendment No. 1 attached thereto taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of Committee amendment No. 1 to **HB 13.** Agreed.

Representative DeMarcus moved the adoption of the following Committee amendment No. 2 to **HB 13**:

Amend printed copy of House Bill 13 on page 2, line 4, by:

striking out the word "banks" and inserting in lieu thereof the words "financial institutions."

Further amend said bill page 2, lines 7 to 23 by striking out all of said lines.

Further amend said bill page 3, lines 3 and 4 by striking out all of said lines.

Further amend said bill by striking out the word "bank" and inserting in lieu thereof the words "financial institution," on page 3, line 7; page 3, line 10; page 3, line 15; page 3, line 19; page 3, line 21; page 3, line 23; page 3, line 24; page 3, line 25; page 4, line 15; page 5, line 5.

Agreed.

On the roll call the vote was yeas 76—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Keene, Kessinger, Leeds, Maddox, Majors, Martin, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Osborn, Ostertag, Peace, Peniston, Pettit,

Pile, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, Wright. Nays 0.

**HB 13** as amended was passed and the title agreed to.

Representative DeMarcus moved that the vote by which **HB 13** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 82** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Arnett, Ball, Bartley, Bates, Bicknell, Blythe, Bourne, Brady, Archie Brown, Edward G. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Floyd, Hale, Harper, Henry, Hinkle, Hoe, Hopkins, James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Leeds, Maddox, Martin, McCowan, McIntyre, McNamara, Ostertag, Peace, Peniston, Pile, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, Wright, Young. Nays 9—Blume, Bondurant, John Y. Brown, Hoffman, McBrayer, John D. Miller, Morgan, Osborn, Roberts.

**HB 82** was passed and the title agreed to.

Representative Isler moved that the vote by which **HB 82** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 338** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Allen, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Hale, Harper, Harris, Henry, Hinkle, Hoe,

Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Keene, Leeds, Majors, Martin, McBrayer, McCowan, McNamara, John D. Miller, Morgan, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Wallace, Warders, Watkins, Webster, Wells, Wheeler, Wright, Young. Nays 0.

**HB 338** was passed and the title agreed to.

**HB 271** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kessinger, King, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, Wright, Young. Nays 0.

**HB 271** was passed and the title agreed to.

Representative John Y. Brown moved that **HB 151** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 226** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76—Allen, Arnett, Barber, Bartley, Bates, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick,

Isler, Jordan, Keene, Kelly, Kessinger, King, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, Wright, Young. Nays 0.

**HB 226** was passed and the title agreed to.

**HB 197** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Hale, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kessinger, King, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Roberts, Russell, Sartin, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, Wright, Young. Nays 0.

**HB 197** was passed and the title agreed to.

**HB 53**, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of the Committee Substitute to **HB 53**. Agreed.

Representative Bates moved that the original signers be recorded as signing the Committee Substitute to **HB 53**. Agreed.

On the roll call the vote was yeas 54—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, Bruce, Buky, Carroll, Chau-

doin, Clapp, Clark, Cox, DeMarcus, Floyd, Hardin, Harris, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, Maddox, McCowan, McNamara, Morgan, Ostertag, Peace, Peniston, Pile, Riddle, Sartin, Secrest, Straney, Vanover, Warders, Watkins, Webster, Wells, Wright, Young. Nays 16—Blume, John Y. Brown, Criscillis, Eicher, Hale, Harper, Henry, Leeds, McIntyre, John D. Miller, Pettit, Roberts, Sheehan, Short, Siemens, Smothers.

**HB 53** as amended was passed and the title agreed to.

Representative John Y. Brown moved that consideration of **HB 90** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 254** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Allen, Arnett, Ball, Barber, Bartley, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Brady, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chaudoin, Clapp, Clark, Cox, Criscillis, DcMarcus, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Russell, Sartin, Secrest, Sheehan, Short,Siemens,Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, Wright. Nays 0.

**HB 254** was passed and the title agreed to.

Representative Wheeler moved that **HB 199** be recommitted to the Committee on Municipalities. Agreed.

Representative John Y. Brown moved that the House adjourn until 9:00 a.m., Saturday, February 26, 1966.

On the roll call the vote was yeas 15—Barber, Billings, Bondurant, John Y. Brown, Buky, Criscillis, Eicher, Henry, Hoe, Jordan, McCowan, Secrest, Smothers, Watkins, Wells. Nays 58—

Allen, Arnett, Bartley, Bates, Bicknell, Blume, Blythe, Bourne, Brady, Archie Brown, Bruce, Caldwell, Carroll, Chaudoin, Clapp, Cox, DeMarcus, Floyd, Hale, Hardin, Harper, Harris, Hinkle, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Kelly, Kessinger, King, Leeds, Maddox, McBrayer, McIntyre, McNamara, John D. Miller, Morgan, Ostertag, Peace, Peniston, Pettit, Pile, Riddle, Russell, Sartin, Sheehan, Short, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wheeler, Wright.

The motion to adjourn until February 26, 1966 was rejected.

Representative Billings moved that the House adjourn until 4:00 p.m., Monday, February 28, 1966.

On the roll call the vote was yeas 46—Allen, Arnett, Bartley, Bicknell, Billings, Blume, Bourne, Brady, Archie Brown, Edward G. Brown, Bruce, Carroll, Chaudoin, Clapp, Cox, Criscillis, Floyd, Hale, Hardin, Harris, Hinkle, Hopkins, Howard P. Hunt, Jr., Irick, Johnson, Jordan, Keene, King, Leeds, Maddox, Majors, Martin, McIntyre, McNamara, Morgan, Osborn, Peace, Peniston, Pile, Secrest, Short, Straney, Tucker, Wallace, Warders, Young. Nays 33—Ball, Barber, Bates, Blythe, Bondurant, John Y. Brown, Buky, Caldwell, Clark, DeMarcus, Harper, Henry, Hoe, Kelly, Kessinger, McBrayer, McCowan, John D. Miller, Ostertag, Pettit, Riddle, Roberts, Russell, Sartin, Sheehan, Smothers, Stuart, Vanover, Watkins, Webster, Wells, Wheeler, Wright.

The motion to adjourn was adopted.

## MONDAY, FEBRUARY 28, 1966

## FORTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Ballenger, Bartley, Brady, Chaudoin, James E. Hunt, Sheehan and Stuart.

Representative McNamara moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 25, 1966, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 485**, by Representative Watkins: AN ACT relating to the State Historical Society.

**HB 486**, by Representative Morgan: AN ACT relating to bail bondsmen and employes of bail bondsmen.

**HB 487**, by Representative Wells: AN ACT relating to the collection of tolls on toll bridges and ferries.

**HB 488**, by Representative Dempsey: AN ACT relating to justices of the peace.

**HB 489**, by Representative Stuart: AN ACT relating to stolen, lost, abandoned or unclaimed property in the possession of a county police force.

**HB 490**, by Representatives Sheehan and Isler: AN ACT relating to Police and Firemen's benefit fund in cities of the second class.

**HB 491**, by Representative Chaudoin: AN ACT changing the classification of the City of Pewee Valley in Oldham County.

**HB 492**, by Representative Hoe: AN ACT relating to Economic Development.

**HB 493**, by Representative Watkins: AN ACT relating to security transactions.

**HB 494**, by Representatives Sheehan, Ostertag and Murphy: AN ACT relating to the compensation of county commissioners.

**HB 495**, by Representative Irick: AN ACT relating to obscene literature.

**HB 496**, by Representative John Y. Brown: AN ACT relating to revenue and taxation.

**HB 497**, by Representative Peniston: AN ACT relating to the Kentucky Industrial Development Finance Authority.

**HB 498**, by Representatives Siemens, C. R. Miller, Vanover, Wright, Blume and Criscillis: AN ACT relating to the licensing of motor driven vehicles.

**HB 499**, by Representatives Siemens, Brady, Vanover and Wright: AN ACT relating to animals.

**HB 500**, by Representatives Bates, Kelly, Roberts, Bourne, Hardin, Harris, E. G. Brown, McNamara, Irick, Jordan, Wright, Smothers, Hislope, McBrayer and Hinkle: AN ACT relating to motor vehicles operating on roads under construction.

**HB 501**, by Representatives Carroll, McCallum and Morgan: AN ACT relating to community colleges.

**HB 502**, by Representative Secrest: AN ACT relating to the teachers retirement system.

**HB 503**, by Representative Blume: AN ACT providing for licensing of Boiler and Pressure Vessel Erectors and Boiler and Pressure Vessel Repair contractors, for the enforcement of the provisions of this Act and fixing the penalties for the violation thereof.

**HR 100**, by Representative Russell: A RESOLUTION directing the Legislative Research Commission to study the parole and probation system in Kentucky.

**Recess**

Representative John Y. Brown moved that the House recess for ten minutes for a Committee on Committees meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative John Y. Brown moved that the House proceed to Committee Reports. Agreed.

**Report of Committees**

The Committee on Kentucky Statutes # 1 reported **HB 60, HB 67** and **HB 61** with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

The Committee on Kentucky Statutes # 1 reported **HB 390** with Committee amendments attached thereto, **HB 413, HB 445, SB 61, SB 103,** and **SB 108** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 390**, AN ACT relating to planning and zoning.

WHEREAS, it is desirable to secure the maximum economic, physical and social welfare for the Commonwealth by encouraging thoughtful use and development of land, buildings and transportation facilities; and

WHEREAS, these goals can best be obtained by encouraging the establishment of proper planning programs in terms of organization, preparation of plans, and aids to plan implementation, to encourage intergovernmental cooperation between cities and counties by encouraging them to form joint and regional planning units; and

WHEREAS, planning in areas where there is intensive industrial, commercial and population density has presented specific difficulties particularly where there are many municipal governments; and

WHEREAS, the failure of optional planning units and voluntary participation in planning by multiple municipal governments in densely populated areas is detrimental to the welfare of those persons affected;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

## PART I

Section 1. As used in this Act, unless the context otherwise requires:

(a) "Administrative Official" means any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation;

(b) "Board" means the board of adjustments unless the context indicates otherwise;

(c) "Citizen member" means any member of the planning commission or board of adjustments who is not an elected or appointed official or employee of the city or county;

(d) "Commission" means planning commission;

(e) "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;

(f) "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustments, consisting of two parts;

(1) A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and

(2) A statement of the specific conditions which must be met in order for the use to be permitted.

(g) "Dimensional variance" means a departure from the terms of the zoning regulation pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulation would result in unnecessary and undue hardship;

(h) "Fiscal court" means the chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise;

(i) "Housing or building regulation" means any regulation incorporating any housing, building or safety code, including, but not limited to such codes as plumbing, electrical, elevator, boiler, fire safety, and minimum housing, or any other regulation;

(j) "Legislative body" means the chief body of the city with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court;

(k) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees, or otherwise;

(l) "Non-conforming use of structure" means an activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located;

(m) "Planning operations" means the formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;

(n) "Planning unit" means any city or county, or any combination of cities, counties, or parts of counties engaged in planning operations;

(o) "Plat" means the map of a subdivision;

(p) "Political subdivision" means any city or county;

(q) "Regulation" means any enactment by the legislative body of a city or county whether it is an ordinance, resolution, or an order and shall include regulations for the subdivision of land adopted by the planning commission;

(r) "Several" means two or more;

(s) "Public facility" means any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries;

(t) "Street" means any vehicular way;

(u) "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs;

(v) "Subdivision" means the division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots of parcels of 5 acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided;

(w) "Unit" means planning unit.

Section 2. Before any planning operations may begin, a planning unit must be formed and designated. Planning units may consist of a city or county, acting independently in accordance with Section 2; cities and their county, jointly, in accordance

with Sections 3 (a) and 3 (b); or groups of counties and their cities, regionally, in accordance with Section 4.

Section 3. Any city or county may establish a planning program as an independent operation if the following required procedure is unsuccessful in establishing a joint planning unit encompassing the county and cities therein.

(a) A city shall interrogate the county and every other city therein to determine whether they desire to enter into an agreement to form a joint planning unit. The interrogation shall be in writing, addressed to the various legislative bodies stating proposed reasonable terms for combination and the reasoned purpose and objectives. The political subdivisions which have been interrogated shall have sixty days in which to answer in writing and the city may assume that the answer is negative if no response is received within the sixty days. If the county answers in the negative, then the city may engage in an independent planning operation. If the county responds affirmatively, then a joint planning unit shall be established, and no city located in such county may form an independent planning unit. If a city has been operating under an agreement under which its planning operations have been combined with one or several counties or cities and the combination is broken, then it shall follow the procedure set forth in this subsection before it engages in an independent planning operation.

(b) A county shall interrogate every incorporated city within its boundaries and otherwise be subject to following the procedure established for an independent city operation.

Section 4. (a) At any time, the legislative bodies of cities and the fiscal court of the county containing the cities may enter into an agreement to form a joint planning unit by combining planning operations in order that they may carry out a joint city-county planning program. Combinations may include any combination of cities with their county or parts thereof; provided, however, that no self-excluded city in such county may form an independent planning unit.

(b) When a planning unit includes a county and a city of the first class, then all other cities within the county shall also be parts of the unit.

Section 5. At any time, the legislative bodies of the cities and counties comprising two or more adjacent planning units whose combined territory form a logical functional area, or portion thereof, by reasons of physical, economic, or social features may enter into an agreement to form a regional planning unit. The agreement for such regional unit may permit the continuation of any of the joint units and their planning commissions, or may serve to replace them. If any joint units are to continue in operation, the agreement shall state clearly the division or assignment of functions between the regional and joint units. Such regional units shall be financed by the legislative parties in accordance with the agreement.

Section 6. (a) All agreements for joint or regional planning units shall be in writing, and shall describe the boundaries of the area involved, and shall contain all details which are necessary for the establishment and administration of the planning unit in regard to planning commission organization, preparation of plans, and aids to plan implementation. Approval of the agreement shall be by regulation and the agreement shall be executed by the parties to the agreement, and filed in the office of the clerk of the county court of all counties which are parties to the agreement or which contain a city which is a party to the agreement. The clerk of the county court may charge a fee of two and one-half dollars for the filing of the agreement. Combination under this subsection shall be permitted notwithstanding the fact that the governmental units are also involved in area planning under KRS 147.610-147.990. Combined planning operations shall be jointly financed, and the agreement shall state the method of proration of financial support.

(b) Agreements for planning units shall be in existence as long as at least two of the original signators are operating under the combination despite the fact that other signators have withdrawn from the unit. In addition, any enlargement of a unit may be accomplished under the existing agreement by filing a copy of the agreement in the office of the clerk of the county court of all member counties along with a statement as to when it was admitted to the unit. The clerk may charge a fee of two and one-half dollars for the filing.

Section 7. An independent city planning unit may exercise extra-territorial jurisdiction for the purposes of subdivision regulations and, with the consent of the fiscal court, other regulations up to five miles from all points upon the city's boundary, but not beyond the county boundary, nor within the boundary of any city not in such planning unit, provided, however, that where the extra-territorial jurisdiction of planning units overlap, the boundary shall be midway between them. The jurisdiction of joint and regional planning units shall be coterminous with their political boundaries. Nothing herein, however, shall prevent any planning unit from making planning studies of areas located outside its jurisdiction.

Section 8. Before a planning unit may engage in planning operations, a planning commission shall be appointed for the unit in conformance with an adopted regulation or agreement.

Section 9. A planning commission shall consist of at least five, but not more than fifteen members. The Governor shall have the privilege of appointing a member to the commission to which the Capital City belongs in addition to the number of members specified for that planning commission. Where extra-territorial jurisdiction is exercised for subdivison regulations or other regulations, the county judge of each affected county may appoint a member to the planning commission of the planning unit exercising such jurisdiction in addition to the number of members specfied for that planning commission. At least two-thirds of the members of every planning commission shall be citizen members. A regional planning commission shall include at least one citizen member from each joint planning unit who is also a member of the joint planning commission. If one city only joins with one county, then each shall have equal representation. Whenever this Act requires a city without its consent to belong to a joint planning unit, then Section 10 of this Act shall apply.

Section 10. (a) Counties with a population of 300,000 or more inhabitants shall be a planning unit and shall have a planning commission which commission shall be composed of three members, who are non-resident of the largest city of the county, appointed by the county judge of such county, three

members who are residents of the largest city of the county appointed by the mayor of that city, and the mayor of the largest city, the county judge, the director of works of the largest city in the county and the county road engineer.

(b) In counties containing a city of the first class, all legislation implementing or amending the plan or amended plan which affects the city of the first class shall be enacted by such city and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court.

(c) In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining provisions of this Act.

Section 11. The mayor of each city entitled to one or more members and the county judge of each county shall appoint the members of the planning commission with the approval of their respective legislative bodies.

Section 12. The term of office of all elected public officials appointed to a planning commission shall be the same as their official tenure in office. The term of office for other members of the planning commission shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively, and later appointments or reappointments shall continue the staggered pattern. The pattern for staggering the terms of the members first appointed shall be stated in a regulation or in the agreement under which the unit operates, as applicable.

Section 13. Vacancies on the planning commission, shall be filled within sixty days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

Section 14. All members of a planning commission shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Com-

monwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within the district or county in which he resides.

Section 15. In the regulation or agreement under which the planning unit operates, as applicable, reimbursement for expenses or compensation, or both, may be authorized for citizen members of a planning commission. Reimbursement for expenses may be authorized for public officials and employees of participating cities and counties who are members of the planning commission, but such members shall receive no compensation.

Section 16. Any member of a planning commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the planning commission shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the planning commission, which shall be open to the general public. The member so removed shall have the right of appeal in the circuit court.

Section 17. Each planning commission annually shall elect a chairman, and any other officers which it deems necessary. All officers shall be citizen members, and shall be eligible for reelection at the expiration of his term.

Section 18. The planning commission shall conduct regular meetings as it deems necessary for the transaction of its business; but there shall be at least six regular meetings annually. The schedule for regular meetings shall be expressed in the rules and regulations of the commission. Special meetings shall be held at the call of the chairman who shall give written or oral notice to all members at least seven days prior to the meeting, which notice shall contain the date, time and place, and the subject or subjects which shall be discussed.

Section 19. The planning commission shall adopt by-laws for the transaction of business, and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualifies from voting,

indicating the fact, all of which shall, immediately after adoption, be filed in the office of the commission or board, as applicable. If the commission has no office, such records shall be filed in the office of the county court clerk. A transcript of the entire proceedings of a planning commission shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

Section 20. (a) A simple majority of the total membership of a planning commission as established by regulation or agreement shall constitute a quorum. Any member of a planning commission who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question, and he shall not be counted for the purpose of a quorum. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business, except that a vote of a simple majority of the total membership shall be necessary for the adoption or amendment of the commission's by-laws, or for elements of the comprehensive plan or regulations.

(b) A planning commission may appoint one or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendations to the commission based upon a transcript of record of the hearing.

Section 21. The planning commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this Act.

Section 22. The legislative bodies in the planning unit may appropriate out of general revenues for the expenses and accommodations necessary for the work of the commission. Any planning commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this Act. All by-laws shall describe the method for administration of funds, and an annual audit shall be performed of all receipts, expenditures, and funds on hand

by an official of any city or county which is a member of the unit, or by an accountant. The report of every audit, including financial statements, shall be kept in the same manner prescribed in this Act for other records.

Section 23. The legislative body or mayor of the city and the fiscal court or county judge of the county may assign to the planning commission of the planning unit of which it is a member any powers, duties and functions relating to urban renewal or public housing.

## PART II

Section 24. The planning commission of each unit shall prepare a comprehensive plan, which shall serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. The elements of the plan may be expressed in words, graphics, or other appropriate forms. They shall be interrelated, and each element shall describe how it relates to each of the other elements and to the statement of objectives, principles, policies and standards.

Section 25. The comprehensive plan shall contain, as a minimum, the following elements:

(a) A statement of goals and objectives, principles, policies, and standards, which shall serve as a guide for the physical development and economic and social well-being of the planning unit.

(b) A land use plan element, which shall show proposals for the most appropriate, economic, desirable and feasible patterns for the general location, character, extent, and interrelationship of the manner in which the community should use its public and private land at specified times as far into the future as is reasonable to foresee. Such land uses may cover, without being limited to, public and private, residential, commercial, industrial, agricultural and recreational land uses.

(c) A transportation plan element, which shall show proposals for the most desirable, appropriate, economic and feasible

pattern for the general location, character, and extent of the channels, routes, and terminals for transportation facilities for the circulation of persons and goods for specified times as far into the future as is reasonable to foresee. Such channels, routes, and terminals may include, without being limited to all classes of highways or streets, railways, airways, waterways; routings for mass transit trucks, etc.; and terminals for people, goods, or vehicles related to highways, airways, waterways, and railways.

(d) A community facilities plan element which shall show proposals for the most desirable, appropriate, economic and feasible pattern for the general location, character, and the extent of public and semipublic buildings, land, and facilities for specified times as far into the future as is reasonable to foresee. Such facilities may include, without being limited to, parks and recreation, schools and other educational or cultural facilities, libraries, churches, hospitals, social welfare and medical facilities, utilities, fire stations, police stations, jails, or other public office or administrative facilities.

(e) The comprehensive plan may include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and other programs which in the judgment of the planning commission will further serve the purposes of the comprehensive plan.

Section 26. All elements of the comprehensive plan shall be based upon but not limited to, the following research, analysis, and projections;

(a) An analysis of the general distribution and characteristics of past and present population and a forecast of the extent and character of future population as far into the future as is reasonable to foresee.

(b) An economic survey and analysis of the major existing public and private business activities, and a forecast of future economic levels or conditions as far into the future as is reasonable to foresee.

(c) Research and analysis as to the nature, extent, adequacy, and the needs of the community for the existing land and build-

ing use, transportation, and community facilities in terms of their general location character and extent.

(d) Additional background information for the elements of the comprehensive plan may include any other research analysis, and projections which, in the judgment of the planning commission, will further serve the purposes of the comprehensive plan.

Section 27. The planning commission of each planning unit shall prepare and adopt the statement of objectives and principles to act as a guide for the preparation of the remaining elements and the aids to implementing the plans. The statement shall be presented for consideration, amendment and adoption by the legislative bodies and fiscal courts in the planning unit. During its preparation and that of the other plan elements, it shall be the duty of the planning commission to consult with public officials and agencies, boards of health, school boards, public and private utility companies, civic, educational, professional and other organizations, and with citizens.

Section 28. All elements of the comprehensive plan shall be prepared with a view towards carrying out the statement of objectives, principles, policies, and standards of the unit. The various elements may be adopted as they are completed, or as a whole when all have been completed. The planning commission shall hold a public hearing and adopt the elements by a regulation which may be carried only by a simple majority vote of the total commission membership. The comprehensive plan elements, and their research basis, shall be reviewed from time to time in light of social, economic, technical and physical advancements or changes. The procedure for amendment shall be the same as for the original adoption. The elements shall be reviewed and amended, if necessary, at least once every five years, but no comprehensive plan shall be declared invalid on the grounds that the review was not performed.

## PART III

Section 29. Cities and counties which are members of a planning unit which has adopted at least the objectives of the land use plan elements may divide the territory within their area

of jurisdiction into zones on an interim or permanent basis to promote public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, zoning may be employed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the over-crowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers. Zoning may also be employed to protect airports, highways, and other transportation facilities, public facilities, including schools and public grounds, historical districts, central business districts, natural resources, and other specific areas of the planning unit which need special protection by the planning unit.

Section 30. Cities and counties may exercise the power to zone through zoning regulations which shall contain:

(a) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of dimensional variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:

(1) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of water courses, and other bodies of water, as well as land subject to flooding.

(2) The size, width, height, bulk, location of structures, buildings and signs;

(3) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;

(4) Intensity of use and density of population floor area to ground area ratios, or other means;

(5) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitaton, and conservation districts; planned neighborhood and group housing districts;

(6) Fringe areas of each district, by imposing requirements which will make it compatible with neighborhood districts;

(7) The activities and structures on the land at or near major thoroughfares, their intersections, and inter-changes, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings;

(8) (a) The text may provide that the planning unit, as a condition to the granting of any zoning change, may require the submission of a development plan which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within a certain period of time of not less than one year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

(b) A map, which shall show the boundaries of the planning unit, the boundaries of the area which is to be zoned, and the boundaries of each zone;

(c) Text provisions to the effect that land located in agriculturally zoned districts which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings, except that (a) setback lines may be required for the protection of existing and proposed streets and highways, and (b) that all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

Section 31. Except as provided in section 10 (b) of this

Act, when the planning commission has adopted the objectives and land use plan elements for the planning unit, the various legislative bodies and fiscal courts of the cities and counties which are members of the unit may pass zoning regulations. The planning commission shall prepare the text and map of all zoning regulations and shall hold at least one public hearing as required in KRS Chapter 424. The planning commission shall submit it along with their recommendation to the various legislative bodies and fiscal courts for adoption or denial. A majority of the entire legislative body or fiscal court shall be required to pass a zoning regulation which contains any changes or departures from the zoning regulation as proposed by the planning commission after the change has been referred to the planning commission for its recommendation. The procedure for adoption of the zoning regulation shall be the same as for any other regulation or order; provided, however, that, notwithstanding publication requirements, the zoning regulation may be published by stating the title and general description of the regulations and referring to the place within the unit where a copy of the complete regulation may be examined without charge.

Section 32. A proposal for amendment to any zoning regulation may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall then hold at least one public hearing after notice as required by KRS Chapter 424 and make recommendations to the various legislative bodies or fiscal courts involved, and it shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission.

Section 33. All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation.

Section 34. Before any map amendment is granted, the planning commission and the legislative body or fiscal court must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a find-

ing, that one or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission and the legislative body or fiscal court.

(a) That the original zoning classification given to the property was inappropriate or improper.

(b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.

Section 35. Before any zoning regulation may have legal effect within the planning unit, a board or boards of adjustments shall be appointed for the planning unit as stated in the regulation or agreement under which the unit operates. The agreement may provide for additional boards of adjustment with jurisdiction of a particular city or area within the planning unit. Provided, that the jurisdiction of the boards of adjustment so established shall be clearly defined as to territorial limits, that all territory within the planning unit is within the jurisdiction of some board of adjustment so established and that no territory is subject to the jurisdiction of more than one board of adjustment.

Section 36. A board of adjustment shall consist of either three, five, or seven members, all of whom must be citizen members, and not more than two of whom may be citizen members of the planning commission.

Section 37. The mayor shall be the appointing authority for cities, and the county judge shall be the appointing authority for counties, subject to the approval of their respective legislative bodies.

Section 38. The term of office for the board of adjustment shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively.

Section 39. Vacancies on the board of adjustment shall be filled within sixty days by the appropriate appointing authority.

If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

Section 40. All members of boards of adjustments shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within the district or county in which he resides.

Section 41. Reimbursement for expenses or compensation or both may be authorized for members on a board of adjustments.

Section 42. Any member of a board of adjustments may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the board of adjustments shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the board of adjustments, which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.

Section 43. Each board of adjustments annually shall elect a chairman, vice-chairman, and secretary and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of his term.

Section 44. Each board of adjustments shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the board at least seven days prior to the meeting, which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.

Section 45. All boards of adjustments shall adopt by-laws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against

each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the board. If the board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public. A transcript of the minutes of a board of adjustments shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

Section 46. A simple majority of the total membership of a board of adjustments as established by regulation or agreement shall constitute a quorum. Any member of a board of adjustments who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

Section 47. Any board of adjustments may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this Act.

Section 48. Any board of adjustments shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this Act.

Section 49. Any board of adjustments shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The sheriff shall serve such subpoenas. The circuit court may, upon application by the board compel obedience to such court or such subpoena by proceedings for contempt.

Section 50. The chairman of any board of adjustments shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

Section 51. The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

(a) The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

(b) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

(c) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(d) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustments. The report shall state specifically the

manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustments. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustments finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustments may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(e) Once the board of adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in Section 88 of this act. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

Section 52. The board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but no population density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowers in the same zone. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

Section 53. Before any variance is granted, the board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

(a) The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.

(b) The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

(c) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.

(d) Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.

Section 54. The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

Section 55. A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land and is transferrable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

Section 56. (1) The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

(2) The Board of Adjustments shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its

use non-conforming was adopted. Nor shall the Board permit a change from one non-conforming use to another unless the new non-conforming use is of a more restrictive classification.

Section 57. The Board of Adjustments shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation. Such appeal shall be taken within sixty days.

Section 58. Appeals to the board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any zoning enforcement officer. Such appeal shall be taken within thirty days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the board any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

Section 59. The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the administrative official at least one week prior to the hearing, and shall decide it within sixty days. The affected party may appear at the hearing in person or by attorney.

Section 60. If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

Section 61. An administrative official shall be designated by the planning unit to administer the zoning regulation, and, if delegated, housing or building regulations. The administrative

official may be designated to issue building permits or certificates of occupancy, or both, in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.

Section 62. Any planning commission which has completed the objectives, land use plan, transportation plan, and community facilities elements of a comprehensive plan may adopt regulations for the subdivision of land within its boundaries.

Section 63. All subdivision of land shall receive commission approval;

(a) No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.

(b) No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

(c) Any street or other public ground which has been dedicated shall not be accepted by the legislative body until it has received recommendations from the planning commission.

Section 64. All subdivision regulations shall be based on the comprehensive plan and shall contain:

(a) The procedure for the submission and approval of preliminary and final plat and the recordation of final plats. The commission may delegate to its secretary or any other officer or employee the power to approve plats in accordance with the commission's adopted requirements, but all plats, preliminary and final, shall be approved or disapproved within ninety days.

(b) Specifications for the contents and the format of all subdivision plats.

(c) Requirements for the design of streets, blocks, lots, utilities, recreation areas, other facilities, hazardous areas, and areas subject to flooding. Such requirements may deal with all forms of land use including residential, commercial, industrial, and other uses.

(d) Specifications for the physical improvement of streets, utilities, and other facilities, and the extent to which they shall be installed or dedicated as conditions precedent to approval of any plat, including the provision of subdivision performance bonds to insure proper completion of physical improvements.

(f) Specifications for the extent to which land is to be used for public purposes shall be reserved as a condition precedent to approval by the commission of any subdivision plat. The planning commission may require a reservation, not to exceed two years, for parks, open space, school and other public uses.

Section 65. After the approval of a subdivision plat by the planning commission, it shall be recorded at the expense of the subdivider in the office of the county court clerk.

Section 66. The State Department of Highways may file with the planning commission of any planning unit exercising subdivision jurisdiction, a map of the terrtory within one mile on either or both sides of any existing or proposed highway. After receipt of the map by the planning commission, no preliminary plats shall be approved by the commission until one copy of such preliminary plat has been referred to the designated office of the Highway Department for its review. If the Department of Highways desires to make any recommendations on the plan,

it shall communicate such to the planning commission within fifteen (15) days after the receipt of the plat.

Section 67. The planning commission shall have the power to apply for an injunction against any type of subdivision construction by the subdivider or the landowner where a subdivision's regulations have been violated.

Section 68. Any person, owner or agent who violates this Act, shall, upon conviction, be fined not less than one hundred nor more than five hundred dollars for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this Act pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this Act. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of this Act, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record as if a plat had been filed in accordance with the provisions of this Act pertaining to subdivision regulations.

Section 69. When all components of the comprehensive plan which are prescribed under this Act as a minimum for a planning unit and a public facilities improvement program have been prepared and adopted, the commission and legislative bodies and fiscal courts of the cities and counties shall have the power to prepare and adopt an ofifcial map regulation. The regulation shall incorporate a map of the entire area under jurisdiction, but it may be accomplished by parts in which case the first part shall be passed as the original regulation and all other parts shall be treated as amendments to the original regulation.

Section 70. The official map may show, without being limited to, the location and extent of existing and proposed public streets, including rights of way, water courses, parks and playgrounds, public schools and building sites, and other public facilities needs.

Section 71. Prior to the adoption or amendment of the of-

ficial map, the planning commission shall review the map or changes to it in light of the comprehensive plan, shall hold a public hearing on the map or proposed changes pursuant to public notice as prescribed by KRS Chapter 424, and shall recommend its approval or disapproval to the legislative bodies.

Section 72. After the passage of the official map regulation for all or part of the city or county, all streets, water courses, parks and playgrounds, public buildings, public school sites, or other public facilities which have been approved under subdivision regulations as provided in this Act, shall be posted to the official map; no public hearing need be held for such additions to the official map.

Section 73. The passage of the official map regulation shall not be deemed as opening or establishing of any street, or as a taking or as an acceptance of any land for a street, water course, or public ground; nor shall it obligate the city or county to improve or maintain any such street or facility.

Section 74. For the purpose of preserving the integrity of the official map of the city or county, no permit shall be issued for the construction or material alteration of any building within the lines of any streets, including right-of-way, water course, parks and playgrounds, public schools, or other public building sites shown on the official map, except as provided in this section. The official map of a city may include the area outside the city limits over which the approval of subdivision plats is required. Any persons desiring to construct or materially alter a building in the lines of any proposed facility shown on the official map shall apply to the administrative official of the city or county for a building permit. Unless such application is made and the permit is granted, no person shall recover any damages for the taking for public use of any structure or improvement constructed within the lines shown on the map, and any such structure or improvement shall be removed at the expense of the owner when the land is acquired for public use.

Section 75. If the land shown on the official map is not yielding a fair return, the board of adjustments shall have the power to grant a permit for the building which will, as little as practicable, increase the cost of future acquisition, and the board

may impose reasonable requirements as a condition of granting such permits. Such a permit shall not be granted when the applicant will not be substantially damaged by placing his building outside the boundary lines of the proposed facility.

Section 76. Any city or county may prepare and adopt a program and budget for capital improvements which the planning commission may recommend. The long term capital improvements program shall list, in priority order of need, all of the public facility improvements proposed on the comprehensive community development plans for the entire time period covered thereby. The short term capital improvements budget shall include those capital improvements which are programmed for the first five or six years, shall show estimates of cost, where applicable for land acquisition, planning and design, construction and equipment, and all other necessary capital outlays, and shall relate such capital improvements costs to over-all city or county governmental costs by projecting revenues and expenditures for the five- or six-year period on a year by year basis. The resulting short term capital improvements budget will assure the ability of the city or county to meet its capital needs without impairment to its operating needs. The first year of the short term capital improvements budget shall automatically become part of that year's current operating budget, at which time the short term capital improvements budget shall be revised and another year added. For purpose of year to year budget revision and updating, the long term capital improvements program may be reviewed and revised at any time in keeping with the review and revision of the comprehensive community development plans. Nothing herein shall prevent any city or county from preparing and adopting a public facility improvement program in the absence of a proposed public improvements map regulation.

Section 77. No proposed public facility improvements shall be placed upon the official map other than those included in the short term capital improvements budget.

Section 78. Only after objectives and land use plan elements, at least, have been adopted for the unit, sections 79 and 80 shall govern.

Section 79. Any legislative body in the planning unit must

refer any change to the zoning regulation or official map regulation to the commission for its review before adoption. The commission shall review the proposal, and shall, within sixty days from the date of its receipt, advise the legislative body whether it approves or disapproves of the change, and if it disapproves, state the reasons for disapproval. A majority of the entire membership of the referring legislative body shall be required to override the disapproval by the planning commission.

Section 80. (1) All other provisions of this act to the contrary notwithstanding public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation and common carriers by rail shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space and include office space, garage space, and warehouse space when such space is incidental to a service facility. The Public Service Commission and the Department of Motor Transportation shall give notice to the planning commission of any planning unit of any hearing which effects locations or relocations of service facilities within that planning unit's jurisdiction.

(2) The non-service facilites excluded in Subsection (1) of this section must be in accordance with the zoning regulations.

(3) Upon the request of the planning commission, the public utilities referred to in this section shall provide the planning commission of the planning unit affected with information concerning service facilities which have been located on and relocated on private property.

(4) All proposals for acquisitions or disposition of land, or changes in the character, location or extent of structures or land, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to review it in the light of its agreement with the comprehensive plan, and the commission shall, within sixty days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan, and whether it approves or

disapproves of the project. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. A majority of the entire membership of the legislative body may override this disapproval of the commission.

Section 81. If the planning commission is conducting or, in good faith is preparing to conduct, studies which are required for a comprehensive plan, the commission and the legislative bodies may prepare and adopt interim regulations before the otherwise required plan elements are completed. The contents of, and procedure for adoption and amendment of, the interim regulations shall be the same as for the regular regulations.

Section 82. Any appeal from commission action may be taken in the following manner:

(a) Any person or entity claiming to be injured or aggrieved by any final action of the planning commission or board of adjustments may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty days after the final action of the commission or board. Final action shall not include commission's recommendations made to other governmental bodies.

(b) All appeals shall be taken in the appropriate circuit court within thirty days after the action or decision of the planning commission or board of adjustments and all decisions which have not been appealed within thirty days shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the planning commission in all cases, and shall cause it to be delivered for service as in any other law action.

## PART IV

Section 83. Any person or entity who violates any of the provisions of Part III of this Act or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten but no more than five

hundred dollars for each conviction. Each day of violation shall constitute a separate offense.

Section 84. Commission shall have a cause of action for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates this Act or regulations adopted hereunder.

Section 85. This Act does not affect rights and duties that matured, penalties that were incurred or proceedings that were begun before its effective date. All existing plans, and regulations as amended to the effective date of this Act, and all organizations which are in existence on its effective date, may continue in force until they are superceded by action of the proper appointing authority or until five years from the effective date of this Act, whichever occurs first. At that time all organizations, plans, and regulations will be in conformance with the provisions of this Act. Upon appointment of the planning commission and board of adjustments, all records of any existing planning commission ad board of adjustments in such county or city shall be transferred to the newly appointed commission and the board respectively, and the powers and duties of the then existing planning commission and board of adjustments shall cease; but, if any such then existing commission shall be nearing the completion of any plan or part thereof, or if any matter is pending before any such then existing board, the said transfer of records and the termination of the powers and duties of such commission or board may be postponed until the completion of such plan or part thereof or until all such pending matters have been decided. Such postponements, however, shall not exceed a period of more than six months.

Section 86. Fiscal courts are granted all the legislative powers granted to all cities for purposes of adopting regulations and legislation proposed under this Act.

Section 87. Whenever any other restrictions or covenants impose a higher standard than that indicated by any regulation of this Act, then such other restriction or covenant shall govern.

Section 88. All final plats approved by the planning commission and all variances and conditional use permits approved

by the board of adjustments shall be recorded at the expense of the applicant in the office of the county court clerk. A copy of all regulations and the official maps of each planning unit shall be filed in the office of the county court clerk.

Section 89. (1) Nothing in this Act shall apply or affect zoning regulations adopted pursuant to Chapter 183 of the Kentucky Revised Statutes.

(2) Nothing in this Act shall impair the sovereignty of the Commonwealth of Kentucky over its political subdivisions. Any proposal affecting land use by any department, commission, board, authority, agency, or instrumentality of state government shall not require approval of the local planning unit. However, adequate information concerning such proposals shall be furnished to the planning commission by the department, commission, board, authority, agency, or instrumentality of state government.

Section 90. If any word or words, phrase or phrases, sentence or sentences of this Act should be declared unconstitutional, it shall not thereby invalidate any other portion of this Act.

Section 91. Chapter 100 of the Kentucky Revised Statutes is repealed.

Section 92. Sections 147.130, 147.140, 147.150, 147.160, 147.170, 147.180, 147.410, 147.420, 147.430, 147.440, 147.450, 147.460, 147.470, 147.480, 147.490, 147.500, 147.510, 147.520, 147.530, 147.540, 147.550, 147.560, 147.570 of the Kentucky Revised Statutes are repealed.

Committee amendment No. 1 to **HB 390** is as follows:

Amend printed copy of House Bill 390 on page 29, line 16, by:

striking the word "of" and adding after the word "is" the words: "in the same or"

Committee amendment No. 2 to **HB 390** is as follows:

Amend printed copy of House Bill 390 on page 38, lines 15 and 16, by inserting the words:

"for public facilities"

after the word "land" on line 15 and on line 16.

**HB 413**, AN ACT relating to Public Finance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS 216.750 to 216.780 is created to read as follows:

The board may borrow money to be used for loans under KRS 216.750 to 216.780 from the Teachers' Retirement System Funds or from other sources. For all purposes the board is a public corporation capable of transacting business in its own name. The board may give such security as may be required for loans made to it, including assignment of the board's own security interest in property securing loans made by the board, but nothing in this section shall be construed to give the board the power to pledge the credit of the Commonwealth.

Section 2. In addition to any other investments permitted for Teachers' Retirement System funds, those funds may be invested in obligations of the Nursing Home and Personal Care Home Loan Fund Board.

**HB 445**, AN ACT relating to advance fees of circuit clerks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 6.030 is amended to read:

Unless the plaintiff has established his right to prosecute as a poor person under KRS 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect *twenty* [ten] dollars and apply it as a credit on the clerk's fees accruing in the action.

**SB 61**, AN ACT relating to registration of securities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 292.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director may issue a stop order denying effective-

ness to, or suspending or revoking the effectiveness of, any registration statement if he finds that the order is in the public interest and that:

(a) The registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(b) Any provision of this chapter or any rule, order, or condition lawfully imposed under this chapter has been wilfully violated, in connection with the offering by 1. the person filing the registration statement, 2. the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or 3. any underwriter;

(c) The security registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but 1. the director may not institute a proceeding against an effective registration statement under this paragraph more than one year from the date of the injunction relied on, and 2. he may not enter an order under this paragraph on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(d) The issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(e) The offering has worked or tended to work a fraud upon purchases or would so operate;

*(f) The offering has been, or would be, made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensations, or promoters' profits or participation, or unreasonable amounts or kinds of options;*

*(g)* [f] When a security is sought to be registered by notification, it is not eligible for such registration;

*(h)* [g] When a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by KRS 292.360 (2) (g); or

*(i)* [h] The application or registrant has failed to pay the proper registration fee; but the director may enter only a denial order under this paragraph and he shall vacate any such order when the deficiency has been corrected;

*(j)* [i] A commission or fee greater than *fifteen* [twenty] percent would be paid directly or indirectly, in consideration for the sale of the securities sought to be registered *and this fee shall include the cost of legal, accounting, and printing expenses.*

The director may not enter a stop order against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective.

(2) Upon the entry of a stop order under any part of this section, the director shall promptly notify the issuer of the securities and the applicant or registrant that the order has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested within fifteen days and none is ordered by the director, the director shall enter his written findings of fact and conclusions of law and the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to the issuer and to the applicant or registrant, shall enter his written findings of fact and conclusions of law and may modify or vacate the order. The director may modify or vacate a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

Section 2. Section 292.400 of the Kentucky Revised Statutes is amended to read as follows:

KRS 292.340 to 292.390 shall not apply to any of the following securities:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instru-

mentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of any state;

(4) Any security issued by and representing an interest in or debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state;

(5) Securities issued by corporations formed under KRS Chapter 279;

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state;

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (a) subject to the jurisdiction of the Interstate Commerce Commission; (b) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (c) regulated in respect of its rates and charges by a governmental authority of the United States or any state or municipality; or (d) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock

Exchange, or the Midwest Stock Exchange or any other stock exchange approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association;

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidence an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) Any investment contract issued in connection with an employe's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the director is notified in writing thirty days before the inception of the plan or, with respect to plans which are in effect on January 1, 1961, within sixty days thereafter (or within thirty days before they are reopened if they are closed on January 1, 1961);

(12) The shares of capital stock of a corporation, organized under the laws of this state for the purpose of doing business in this state, issued in obtaining the amount of capital stated in the articles of incorporation as the amount of capital with which the corporation will begin business, in accordance with the provisions of KRS 271.035, 271.085 and 271.095, where no expense in excess of one percent of the proceeds from the sale of its capital stock so issued is incurred, and no commission, compensation or other remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly or indirectly in payments for patents, services, good will, trade-marks, leases, copyrights, processes, formulae, or other intangible assets. *This exemption shall be limited to the offer or sale to no more than thirty persons.* The

president and secretary of the corporation shall, prior to such disposal, file with the director a written verified statement setting forth the existence of the above facts, and that the corporation is formed for the purpose of doing business in this state.

**SB 103**, AN ACT relating to the membership, meeting, and personnel of, and contracts by, the Legislative Research Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 7.090 is amended to read:

(1) There is hereby created a Legislative Research Commission composed of the Lieutenant Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, *the Speaker Pro Tempore of the House of Representatives,* the majority and minority floor leaders of the Senate and the House of Representatives, *the majority party whip of the Senate,* and the majority and minority caucus chairmen of the Senate and House of Representatives. Any vacancy in the Commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The Lieutenant Governor shall be ex-officio chairman of the commission.

(2) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the chairman may determine. Meetings of the commission shall be called by the chairman on his own initiative, or at the written request of any three members of the commission. For attending meetings between sessions, whether regular or special, of the General Assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars per day.

(3) The commission shall appoint a director, who shall have

had graduate training in governmet in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. The salary of the director shall be determined by the commission. The commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110.

(4) Any professional, clerical or other employes required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The chairman of the committee shall advise the director of the Legislative Research Commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(6) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

**SB 108**, AN ACT relating to public safety in education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 158.060 is amended to read:

Twenty school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools. [The] Legal holidays designated by the State Board of Education *pursuant to KRS 158.070* to be observed *and not to exceed five days which are declared pupil safety days pursuant to subsection (2) of KRS 158.070 shall be counted as school days for the purpose of determining the number of days*

*in which teachers are employed and in calculating the average daily attendance under the foundation program as defined in KRS 157.310.* [shall be counted as school days.] No teacher shall teach on Saturdays except in cases of emergency and then only upon authorization of the State Board of Education. Six hours of actual school work shall constitute a school day. The daily session, including recesses and intermissions, shall not exceed nine hours. A pupil who is absent, excused or dismissed from any regularly scheduled class to attend not more than four field trips in a school term may be considered in attendance on those days, if the field trip is part of a regularly scheduled class; provided, however, that upon application of any district superintendent, the Superintendent of Public Instruction or the State Board of Education may, if sufficient cause be shown, grant authority to use an additional day or days for special field trips or exceptional events.

Section 2. Section 158.070 of the 1964 Supplement to KRS is amended to read:

(1) The minimum school term [for the 1963-1964 school term shall be one hundred and eighty-four days. Thereafter, the minimum school term] shall be one hundred eighty-five days. The Superintenden of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

(2) The Board of Education of any school district may use no more than four days of the minimum school term for holidays, three days for in-service training and professional work, three days for attendance at state and district meetings of professional and educational associations, *and not more than five days for emergencies, when the school superintendent of the county or independent district deems it necessary to close the schools because of disease, epidemic, temporary circumstances rendering the school building unfit for use, or other public*

*hazards which jeopardize the safety of pupils. One day of excused absence shall be granted* [and shall use one day of excused absence] for attendance at the Kentucky State Fair for students applying for excused absence for this purpose. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall adopt regulations governing the use of *pupil safety* [school] days.

Section 3. Because the extremely unusual snow storm during the current winter has made the operations of school busses too hazardous to be undertaken for several days it is highly necessary that this Act become effective during the 1965-66 school year and an emergency exists within the meaning of the constitution. This Act therefore shall be in full force and effect from and after its passage and approval.

Committee Substitute, **SB 108**, AN ACT relating to education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 158.070 of 1964 Supplement to KRS is amended to read:

(1) The minimum school term [for the 1963-64 school term shall be one hundred and eighty-four days. Thereafter the minimum school term] shall be one hundred eighty-five days. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

(2) The board of education of any school district may use no more than four days of the minimum school term for holidays, three days for in-service training and professional work, three days for attendance at state and district meetings of professional [and] education[al] associations, *a total of three*

*days for (1) national or state disaster or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky, and (2) local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction,* and shall use one day of excused absence for attendance at the Kentucky State Fair for students applying for excused absence for this purpose. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall adopt regulations governing the use of school days.

*(3) Whereas, the health and safety of students may be endangered, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.*

The Committee on Kentucky Statutes # 1 reported **HB 62, HB 64, HB 124, HB 157, HB 277, HB 282, HB 297, HB 379, SB 69** and **HR 35** with the expression of opinion that the same should not pass.

The Committee on Motor Transportation reported **HB 173, HB 176, HB 179, HB 190, HB 220, HB 305, HB 350, HB 357, HB 360, HB 366, HB 399, HB 440** with Committee amendment attached thereto, **HB 406, HB 412, HB 414** and **HB 415** with the expression of opinion that the same should pass. Read at length for the first time and order placed in the Calendar.

**HB 173**, AN ACT relating to identification plates for autos of disabled veterans.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Department of Public Safety shall furnish without any charge to each disabled veteran who purchases a registration plate for a motor vehicle, an identification plate to be displayed on the motor vehicle, on which the words "disabled veteran" are inscribed.

Section 2. Any person who displays any identification plate on his automobile indicating that he is a disabled veteran, who

is not authorized to do so, shall be fined not less than fifty dollars nor more than one hundred dollars.

**HB 176**, AN ACT relating to motor vehicles and revenue and taxation thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.650 is amended to read:

As used in KRS 186.650 to 186.700:

(1) A "trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle being so constructed that no part of its weight rests upon the towing vehicle.

(2) "Semitrailer" means any vehicle designed for carrying persons or property and for being drawn by a motor vehicle and is so constructed that some part of its weight and some part of its load rests upon or is carried by another vehicle.

(3) "Housetrailer" means any vehicle used, or maintained for use, as a conveyance upon highways, designed and constructed in such a manner as will permit occupancy thereof as a temporary dwelling, or as sleeping places for one or more persons, or the conduct of any business or profession, occupation or trade having no other foundation than wheels or jacks, and not being used in one location as a permanent dwelling.

(4) *"Wheel camper" means any vehicle primarily used for camping that does not exceed six feet in length, five feet in width and four feet in height when used as a conveyance upon the highways, designed and constructed to permit the sleeping of one or more persons and the carrying of personal property and to be drawn by a motor vehicle.*

(5) (a) After December 31, 1962, "department" means the Department of Motor Transportation.

(b) Before January 1, 1963, "department" means the Department of Revenue.

Section 2. KRS 186.655 is amended to read:

(1) Before any owner or operator of a trailer, semi-trailer, [or] house-trailer *or wheel camper* may operate or permit the operation of such vehicles upon the highways, the owner shall apply for registration to the county clerk of the county in which he resides or in which such vehicles are principally operated. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new trailer, semi-trailer, [or] house-trailer *or wheel camper;* or

(b) The owner's registration receipt, if the trailer, semi-trailer, [or] house-trailer *or wheel camper* was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a trailer, semi-trailer, [or] house-trailer *or wheel camper* to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a trailer, semi-trailer, [or] house-trailer *or wheel camper* to obtain a certificate of title or ownership; or

(e) Affidavit from the owner of a trailer, semi-trailer, [or] house-trailer *or wheel camper* assembled or constructed for his personal use on the highways; or

(f) Affidavit from the owner of a trailer, semi-trailer, [or] house-trailer *or wheel camper* where the bill of sale for such vehicle has been lost, destroyed or stolen.

(2) The affidavit required in paragraph (e) shall contain the owner's name, address, date, brief description and a statement that the *vehicle* [trailer] was constructed by the owner for use on the highways and any additional information that the department may from time to time prescribe by regulation.

(3) The affidavit required in paragraph (f) shall contain the owner's name, address, date, make, year made, serial or identification number, from whom purchased, date of purchase, that the person making the affidavit is the sole owner, the circumstances under which the bill of sale was lost, destroyed

or stolen, and any additional information that the department may from time to time prescribe by regulation.

(4) After that, he shall register his trailer, semi-trailer, [or] house-trailer *or wheel camper* on or before March 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

(5) Trailers or semitrailers operated by motor carriers as defined under KRS chapter 281 will be licensed with the Department of Motor Transportation for the year 1962. After 1962, all trailers will be licensed in accordance with the provisions of this section.

Section 3. KRS 186.660 is amended to read:

A trailer, semitrailer, [or] house-trailer *or wheel camper* last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller.

Section 4. KRS 186.665 is amended to read:

If an owner because of sickness or absence from the state is unable to renew the registration of his trailer, semitrailer, [or] house-trailer *or wheel camper* on or before March 1, he will be deemed to have complied with the law, if before operating the trailer, semitrailer or housetrailer in this state he registers it at some late date and pays the fee for the full year, just as though he had renewed the registration on or before March 1. The owner shall file with the application an affidavit showing sickness or absence.

Section 5. KRS 186.670 is amended to read:

(1) The application blank shall contain blank spaces for, and the applicant shall fill in the owner's name and post office address, make of the trailer, semitrailer, [or] housetrailer *or wheel camper,* and serial or identification number. Every application shall be accompanied by the appropriate fee.

(2) Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the reg-

istration number and the information included in the application and one plate for the registration year bearing said number.

Section 6. KRS 186.675 is amended to read:

The annual registration fee for trailers, [and] semi-trailers *and wheel campers* which are drawn by motor vehicles required to be licensed under KRS 186.050 (1) shall be $4.50. The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (3) shall be $19.50. The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of boats, luggage, personal effects, farm products, farm supplies or farm equipment. The registration fee for housetrailers shall be $9.50. The clerk shall issue the registration plate furnished by the department and shall be paid for this service the sum of fifty cents.

Section 7. KRS 186.680 is amended to read:

If any person becomes the owner of a trailer, semitrailer, [or] housetrailer *or wheel camper* after January 1 of any year, and for that reason registers for only part of a year the registration fee shall be as many twelfths of the annual fee as there are unexpired months in the calendar year.

Section 8. KRS 186.690 is amended to read:

Sections 186.070 through 186.240 of the Kentucky Revised Statutes shall apply to the registration of trailers, semitrailers, [and] housetrailers *and wheel campers* in so far as practicable.

Section 9. KRS 186.695 is amended to read:

(1) Trailers, semitrailers, [and] housetrailers *and wheel campers* as defined in KRS 186.650 to 186.700 are expressly exempted from Sections 138.450 through 138.470 of the Kentucky Revised Statutes.

(2) Trailers, semitrailers and houserailers in transit between a manufacturing plant and dealer's place of business; between a manufacturer plant and user's place of residence; or between a dealer's place of business and user's place of residence

and farm equipment pulled or towed by a motor vehicle not required to be licensed under the provisions of Chapter 186 of the Kentucky Revised Statutes shall be exempt from the provisions of KRS 186.650 to 186.700.

**HB 179**, AN ACT relating to motor vehicles and revenue and taxation thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.650 is amended to read:

As used in KRS 186.650 to 186.700:

(1) A "trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle being so constructed that no part of its weight rests upon the towing vehicle.

(2) "Semitrailer" means any vehicle designed for carrying persons or property and for being drawn by a motor vehicle and is so constructed that some part of its weight and some part of its load rests upon or is carried by another vehicle.

(3) "Housetrailer" means any vehicle used, or maintained for use, as a conveyance upon highways, designed and constructed in such a manner as will permit ocupancy thereof as a temporary dwelling, or as sleeping places for one or more persons, or the conduct of any business or profession, occupation or trade having no other foundation than wheels or jacks, and not being used in one location as a permanent dwelling.

*(4) "Camping trailers" means any vehicle used, or maintained for use, as a conveyance upon highways, designed and constructed for the primary purpose of overnight camping in such a manner as will permit sleeping places for one or more persons.*

(5) [(4)] (a) After December 31, 1962, "department" means the Department of Motor Transportation.

(b) Before January 1, 1963, "department" means the Department of Revenue.

Section 2. KRS 186.675 is amended to read:

The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (1) shall be $4.50. *The registration for camping trailers shall be $3.00.* The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (3) shall be $19.50. The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of boats, luggage, personal effects, farm products, farm supplies or farm equipment. The registration fee for house-trailers shall be $9.50. The clerk shall issue the registration plate furnished by the department and shall be paid for this service the sum of fifty cents.

**HB 190**, AN ACT relating to operator's licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

(1) Every applicant who has reached his sixteenth birthday but has not reached hs eighteenth birthday shall be eligible for receipt of a provisional operator's license subject to the usual provisions of all applications and examinations.

(2) The provisional operator's license is a special license, to be issued to sixteen and seventeen year old operators only, and shall be subject to all rules, regulations, and laws governing operator's license except that the Department of Public Safety may prescribe rules and regulations governing the issuing, use, suspension, revocation, or cancellation of it.

(3) Nothing in this section is intended to alter the provisions of the issuing or retaining of the permanent operator's license except that no person shall be eligible for the permanent operator's license until he has reached the age of eighteen years.

(4) When the holder of a provisional operator's license reaches his eighteenth birthday, the provisional license shall expire and the holder must apply for and obtain a permanent operator's license before operating a motor vehicle upon the highways. Such Application shall be made in the manner pre-

scribed for the permanent operator's license except that the Department may require the applicant to submit to such review examination as the Department may prescribe.

(5) The fee for the provisional operator's license shall be identical to that of the permanent operator's license.

(6) All licenses heretofore issued to sixteen and seventeen year old operators prior to the enactment of these provisions shall be subject to the rules, regulations, and laws governing the provisional operator's license.

**HB 220**, AN ACT relating to motor vehicle equipment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) No person shall knowingly operate on any highway any vehicle on which any tire has been regrooved or recut or offer such tire for sale or exchange.

(2) This section shall not apply to regrooved or recut vehicle tires which are designed and constructed in such a manner that regrooving and recutting is an acceptable and safe practice nor does this subsection apply to regrooving and recutting done in a tire recapping process.

(3) No provision of this section shall apply or be construed to apply to any commercial vehicle operated under safety regulations or requirements of the Kentucky Department of Motor Transportation or of the Interstate Commerce Commission.

Section 2. Any person who violates any provision of this Act shall be fined not less than ten nor more than one hundred dollars.

Section 3. This Act shall become effective July 1, 1966.

**HB 305**, AN ACT relating to motor vehicle operator's licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The Department of Public Safety shall give to every duly licensed operator of a motor vehicle reasonable notice of the expiration date of his operator's license. The department may

adopt rules and regulations to carry out the provisions of this statute including the determination of the form, content, method and time of giving of such notice, such notice however not to be given less than ten days before the expiration of the operator's license.

**HB 350**, AN ACT relating to motor vehicle operator licensing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.440 is amended to read:

An operator's license shall not be granted to:

(1) Any person under the age of sixteen.

(2) Any person whose operator's license has been suspended, during the period of suspension.

(3) Any person whose operator's license has been revoked, nor to any nonresident whose privilege of exemption under KRS 186.430 has been refused or discontinued, until the expiration of one year after the license was revoked or the privilege refused or discontinued.

(4) An habitual drunkard or drug addict.

(5) Any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane, or feeble-minded with a certificate of the superintendent that the applicant is competent. The State Police shall determine by examination that the person is competent to operate a motor vehicle with safety to persons and property.

(6) Any person who in the opinion of the State Police, after examination, is afflicted with such physical or mental disability as prevents him from exercising reasonable and ordinary control over a motor vehicle upon the highways.

(7) Any person who is unable to understand highway warnings or direction signs in the English language.

(8) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination.

(9) Any person required by Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof.

(10) Any person who has not filed a correct and complete application signed in the presence of a person authorized to administer oaths.

*(11) Any person between the ages of sixteen and eighteen who is not a graduate of a secondary school or who is not a student in good standing in a public or private school.*

Section 2. (1) The Department of Public Safety shall revoke the license of a person between the ages of sixteen and eighteen whenever the Department is notified by any school authority that such person is not a graduate of a secondary school and is no longer a student in good standing in a public or private school.

(2) It shall be the duty of the authorities of a public or private school to notify the department of any person between the ages of sixteen and eighteen who has not graduated from a secondary school and who is no longer a student in good standing in a public or private school.

**HB 357**, AN ACT relating to motor vehicle inspection.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Commissioner of Public Safety shall establish, equip and operate, under the supervision of the Division of State Police, a sufficient number of mobile testing stations which shall be equipped to provide such mechanical devices and equipment as shall be sufficient to make such tests of motor vehicles as are prescribed in Section 5 of this Act.

Section 2. It shall be unlawful for the owner or person having possession or control of any motor vehicle to operate the vehicle upon the roads and highways of the state unless the motor vehicle shall bear an unexpired seal of inspection indicating that it has been duly inspected and found safe and roadworthy within the preceding period of one year.

Section 3. The fee for inspection shall be two dollars and

fifty cents. No fee shall be charged for inspecting vehicles owned by the United States government, the Commonwealth of Kentucky, or any political subdivision of the Commonwealth.

Section 4. (a) If, upon inspection, any motor vehicle is found to meet the standards of safety fixed by statute and Section 5 of this Act, the mobile inspection station shall issue to the operator an official certificate of inspection and shall affix to the vehicle an official seal of inspection, showing plainly the date on or before which the vehicle must again be inspected, the date to be one year after the date of the previous inspection. The seal thereafter shall be displayed at the place affixed.

(b) In the event the certificate or seal is lost, destroyed or rendered illegible, the Division of State Police shall issue a duplicate without charge, if the motor vehicle for which the certificate or seal was issued still meets the standards of safety required. The duplicate seal shall be valid only for the unexpired part of the one year period for which the original certificate and seal were issued.

(c) If any motor vehicle fails to meet the standards of safety prescribed by the Department of Public Safety the mobile inspection station shall issue to the person presenting the vehicle for inspection a statement specifying the particulars in which the motor vehicle is found to be defective.

(d) It shall be unlawful for the owner or other person having possession or control of any motor vehicle failing to pass the inspection to operate the vehicle upon the roads and highways of the state unless the defective particulars shall be corrected and the motor vehicle reinspected when the mobile inspection station returns to the county wherein the owner resides.

Section 5. No motor vehicle shall be approved by any official inspection station unless the vehicle meets the following requirements:

(1) The horn shall meet reuirements of KRS 189.080;

(2) Rear vision mirrors shall meet requirements of KRS 189.030;

(3) Stop lights or reflectors shall meet requirements of KRS 189.050;

(4) Front lights shall meet requirements of KRS 189.040;

(5) Windows and windshield wipers shall meet requirements of KRS 189.110;

(6) Brakes shall meet requirements of KRS 189.090;

(7) The front end assembly shall be free from worn, broken, loose, or missing parts;

(8) The steering arm, tie rods, drag links, and other associated parts of the steering mechanism must be secure and free from excessive play or wear. The play in the steering wheel shall be three inches or less.

(9) The tires of every motor vehicle shall have a visible tread and be free from bulges or breaks caused by broken fabric.

Section 6. All fees collected shall be deposited with the State Treasurer to the credit of a "Motor Vehicle Inspection Fund." This fund shall be used only for the purpose of defraying the expenses of carrying out the provisions of this Act.

Section 7. It shall be unlawful for any person, firm or corporation to advertise for, or solicit motor vehicle repair work on or about the premises of any mobile testing station.

Section 8. It shall be unlawful for any person to use any mobile testing station or the equipment thereof for the purpose of making repairs to motor vehicles.

Section 9. It shall be unlawful for any officer or employe of the Department of Public Safety engaged directly or indirectly in the making of inspections or tests as herein provided to recommend or suggest the name of any person, firm or corporation engaged in the business of repairing motor vehicles.

Section 10. It shall be unlawful to remove, obliterate, deface or obscure an inspection seal as herein described or to place such a seal upon a motor vehicle for which the seal was not issued, to operate a motor vehicle bearing a seal issued for another vehicle or operate a motor vehicle bearing a facsimile or imitation of such a seal.

Section 11. The provisions of this Act shall not apply to a vehicle engaged in interstate commerce bearing a license tag issued by the Interstate Commerce Commission and subject to the licensing regulations of that commission.

Section 12. A violation of Section 10 of this Act shall be punishable by a fine not to exceed two hundred dollars or by imprisonment for six months or both. A violation of any other section of this Act dealing with the inspection of motor vehicles shall be punishable by a fine of not more than fifty dollars. Each day's violation of any section of this Act shall constitute a separate offense.

Section 13. To carry out the purposes of this Act, there is appropriated to the Department of Public Safety out of the General Fund in the State Treasury the sum of seventy-five thousand dollars for the 1966-67 fiscal year.

**HB 360**, AN ACT relating to Motor Vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act:

"Bus" means any motor vehicle designed for the transportation of at least nine passengers for hire on any public highway.

Section 2. No bus having a diesel fuel burning engine shall be operated on any public highway unless it is equipped with an exhaust pipe which extends above the top of the bus.

Section 3. Any person who violates this Act shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

**HB 366**, AN ACT relating to motor vehicle tire safety.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) It shall be unlawful for any person to operate any registered motor vehicle upon the highways of this Commonwealth with tires which are not in a safe operating

condition. No tire shall be deemed to be in a safe operating condition if such tire has:

(a) Been repaired by use of a blow-out patch or boot.

(b) Tread cuts or snags in excess of one inch in any direction as measured on the outside of the tire and deep enough that the body cords are visible when the tire is inflated to the operating pressure recommended by the manufacturer.

(c) Sidewall scuff cuts are snags to the extent that body or cords are damaged.

(d) Any bump, bulge or knot apparently related to tread or sidewall separation or failure or partial failure of the tire.

(e) When measured in a major tread groove, at, or near the center of the tire, at two points of the circumference where the tread is thinnest, but not closer than fifteen inches, by a tread depth gauge callibrated in thirty-seconds of an inch, the tread design depth is less than two-thirty-seconds of an inch at both locations. Such measurements shall not be made on a "tie-bar." If the tread depth measures not less than two-thirty-seconds of an inch at either of the locations measured, the tire shall be considered as meeting the depth requirement.

(f) Been rejected by the manufacturer or by the Commissioner of Public Safety.

(g) Been regrooved and is being used on a passenger type automobile, suburban motor vehicle or motorcycle, excepting however, such special service tires which are designed and manufactured for use on such vehicles as taxicabs and originally intended to be regrooved for safety purposes, or otherwise has been reworked in a manner making the tire unsafe for the conditions under which it is used.

(2) No vehicle shall be operated in the Commonwealth if the tires are of smaller size than listed by the manufacturer as standard or optional equipment, or if the tires are in an unsafe condition as determined by the requirements of subsection (1).

(3) The owner or operator of any vehicle who is notified by a peace officer that his tires or tire does not conform with the requirements of this act, or are unsafe or unfit, or in need of

correction, adjustment or repairs, shall be allowed forty-eight hours within which to adjust, repair or replace such tires or tire to conform with the requirements of this act.

(4) No provision of this section shall apply or be construed to apply to any commercial vehicle operated under safety regulations or requirements of the Kentucky Department of Motor Transportation or of the Interstate Commerce Commission.

Section 2. Any person violating any of the provisions of this section, shall, be fined twenty dollars and costs of prosecution.

**HB 399**, AN ACT relating to motor vehicle registration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.190 is amended to read:

*(1) Upon the transfer of a motor vehicle, the registration of such motor vehicle shall expire, and the original owner shall immediately remove the registration plates from the motor vehicle. Should the original owner make application for the registration of another motor vehicle during the remainder of the current registration year, he may file an application for transfer of registration accompanied by the original certificate of registration with the county clerk of the county in which he resides, and for which he shall pay the county clerk a fee of one dollar. The transfer of the registration plates from the motor vehicle for which originally issued to a motor vehicle purchased by the same person in whose name the origial plates were issued shall be done within a period of not to exceed ten days. At the time of application for transfer the county clerk shall compute and collect an additional fee, based upon the amount which would be due on a new registration as of the date on which the registration plates were first displayed on the motor vehicle to which the registration is to be transferred, less a credit for the unused portion of the original registration beginning on the date the plates are first displayed on the motor vehicle to be transferred. As to passenger cars, trucks, trailers, and motorcycles, transfers within the same class only shall be allowed.*

[(1) Whenever a motor vehicle that has been previously registered changes ownership, the registration plate shall remain upon such motor vehicle as a part of it until the expiration of the registration year.]

(2) No person shall sell or trade any motor vehicle without delivering to the county clerk of the county in which the sale or trade is made the registration receipt issued on the motor vehicle for the current year and the bill of sale.

(3) Upon delivery of the registration receipt and the bill of sale to the county clerk of the county in which the sale or trade was made, the seller shall pay to the county clerk a transfer fee of one dollar, which shall be remitted to the Department of Revenue. The county clerk shall thereupon issue to the purchaser a *new registration plate and a* transfer of registration bearing the same data and information as contained on the original registration receipt, except the change in name, [and] addresses, *and registration number.* The seller shall pay to the county clerk a fee of one dollar for his services.

(4) Whenever a county clerk issues to a purchaser a transfer of registration in a county other than the one in which the motor vehicle was originally registered, the clerk shall immediately mail one copy of the transfer of registration to the clerk of the county of original registration.

(5) If the owner junks or otherwise renders a motor vehicle unfit for future use, he shall deliver the registration plate and registration receipt to the county clerk of the county in which the motor vehicle is junked. The county clerk shall immediately return the plate and receipt to the Department of Revenue. The owner shall pay to the county clerk fifty cents for his services.

(6) A licensed motor vehicle dealer shall not be required to pay the transfer fee provided by this section, but shall be required to pay the county clerk's fee provided by this section.

(7) The registration receipt issued by the clerk under this section shall contain information as required by the Department of Motor Transportation.

**HB 440**, AN ACT relating to motor vehicle brake linings.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. On and after January 1, 1967, it shall be unlawful to sell, or to display for sale, or knowingly use upon any motor vehicle any brake lining unless of a type which has been submitted to the Commissioner of Public Safety for approval and for which a certificate of approval has been issued by the Commissioner and is then in effect; provided, however, that no owner of a motor vehicle shall be required to replace brake linings which were installed before the effective date of this Act solely because such linings have not been approved in accordance with the provisions of this section.

Section 2. The Commissioner shall, in order to insure safe operation of motor vehicles, prescribe uniform specifications as to the stopping ability, pedal force, lining integrity, stability, fade and recovery characteristic requirements of brake linings and shall determine whether any brake lining submitted complies with such rules and uniform standards; provided, however, that in order to promote uniformity between the states and thereby avoid increased costs to the people of this state, due to the necessity of complying with diverse requirements in the distribution and sale of brake linings, the secretary is hereby authorized to adopt and maintain the standards and specifications which are adopted by the several states pursuant to the procedures of the vehicle equipment safety compact, or those of the society of automotive engineers, whichever in the discretion of the Commissioner will better protect the safety of the people of this state.

Section 3. No provision of this Act shall apply to any commercial vehicle operated under safety regulations or requirements of the Kentucky Department of Motor Transportation or of the Interstate Commerce Commission.

Section 4. Any person convicted of violating any of the provisions of this section shall be fined fifty dollars and costs of prosecution.

Committee amendment to **HB 440** is as follows:

Amend printed copy of House Bill No 440 on page 2, line

8, by: striking out the word "secretary" and adding in lieu thereof the following word: "Commissioner"
and on page 2 by:
deleting lines 15 through 18 in their entirety.
and on page 2 line 19 by:
striking out the number "4" and adding in lieu thereof the following: "3"

**HB 406**, AN ACT relating to operator's license.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.412 is amended to read:

(1) Every person seeking a license for operation of a motor vehicle shall apply in person to the circuit court clerk of the county in which he resides and make application upon a form furnished by the department. The application shall contain the full name and signature, date of birth, sex, race, and present resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked or refused, and if so, the date of and reason for the cancellation, suspension, revocation, or refusal, and such other information as may be required. *Every application and the license issued as a result of such application shall contain the photograph of the applicant or licensee, as the case may be, such photograph to be taken in such a manner that one exposure will photograph the applicant and the application simultaneously on the same negative. Such process or processes shall be used in the issuance of licenses as will prohibit, as nearly as possible, the alteration or reproduction of the license and prohibit the ability to superimpose a photograph on such license without ready detection. All licenses and photographic attachments shall be processed in color.*

(2) Every applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(3) The clerk shall, after determining that the applicant has fully complied with the law governing applications, issue a

temporary operator's license to be valid for not more than ninety days. Such temporary license shall be valid in lieu of the permanent license during the certification period and must be destroyed upon receipt of the permanent operator's license.

Section 2. KRS 186.531 is amended to read:

(1) The cost of operator's licenses and permits shall be as follows:

(a) The fee for an original or renewal license shall be two dollars [;] *and thirty-five cents;*

(b) The fee for an instruction permit shall be fifty cents plus fifty cents for preparing and acknowledging such application; and

(c) The fee for a duplicate license shall be one dollar [.] *and thirty-five cents.*

(2) The circuit clerk shall retain fees pertaining to applications and license fees in the following manner:

(a) Thirty-seven and one-half percent of any original and renewal licenses;

(b) Fifty cents for issuance of an instruction permit;

(c) Fifty cents for preparing and acknowledging an application for an instruction permit; and

(d) Seventy-five cents for preparing and acknowledging an application for a duplicate.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue.

Section 3. This Act shall take effect on January 1, 1967.

**HB 412**, AN ACT relating to motor vehicle sales; the regulation and licensing of motor vehicle dealers and others; the denial, suspension or revoking of such licenses; creating a Motor Vehicle Dealers Board; imposing powers and duties upon the Department of Motor Transportation; and making an appropriation to the Department of Motor Transportation,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 190.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 190.010 to 190.080 unless the context requires otherwise:

(1) "Motor vehicle dealer" means any person not excluded by subsection (2) of this section who:

(a) For commission, money or other thing of value, is engaged in the business of selling, exchanging, buying, offering or attempting to negotiate a sale or exchange of an interest in motor vehicles; or

(b) Who is engaged wholly or in part in the business of selling motor vehicles, including motor driven cycles, whether or not such motor vehicles are owned by such person, firm or corporation.

(2) The term "motor vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court, [;] *and any bank, trust company or lending institution which is subject to state or federal regulation as such, with regard to its disposition of repossessed motor vehicles;*

(b) Public officers while performing their official duties; or

(c) Employes of persons enumerated in subsection (a) and (b) of this subsection, when engaged in the specific performance of their duties as such employes.

(3) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer to sell motor vehicles.

*(4) The term "board" means the Motor Vehicle Dealers Board.*

*(5)* [(4)] The term "commissioner" means the Commissioner of Motor Transportation.

*(6)* [(5)] "Motor vehicle" means any motor driven ve-

hicle required to be registered or licensed *before being operated upon the highways* [under Sections 186.050, 281.811, 281.813 or 281.815 of the Kentucky Revised Statutes].

*(7)* [(6)] The term "department" means the Department of Motor Transportation.

*(8)* [(7)] "Licensor" means either the commissioner or the department or both.

*(9)* [(8)] "Manufacturer" means any person, resident or nonresident who manufacturers or assembles motor vehicles.

*(10)* [(9)] "Distributor" or "wholesaler" means a person, resident, or nonresident who [in whole or part,] sells or distributes motor vehicles to *licensed* motor vehicle dealers, or who maintains distributor representatives.

*(11)* [(10)] "Factory branch" means a branch office maintained by a person who manufactures or assembles motor vehicles, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising in whole or part, its representatives.

*(12)* [(11)] "Distributor branch" means a branch office similarly maintained by a distributor or wholesaler for the same purposes.

*(13)* [(12)] "Factory representative" means a representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers.

*(14)* [(13)] "Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.

*(15)* [(14)] "Person" means a person, partnership, firm, corporation or association.

Section 2. Section 190.020 of the Kentucky Revised Statutes is amended to read as follows:

The department shall, *under administrative regulations promulgated by the Department and approved by the Board,*

issue the licenses provided for by KRS 190.010 to 190.080 and shall have supervision over the licensees thereunder in respect to all the provisions of KRS 190.010 to 190.080.

Section 3. Section 190.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) No motor vehicle dealer, or motor vehicle salesman shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080. If any motor vehicle dealer acts as a motor vehicle salesman he shall secure a motor vehicle salesman's license in addition to a license for a motor vehicle dealer.

(2) No manufacturer of motor vehicles, or factory branch, or distributor or distributor branch, *or wholesaler* shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(3) No factory representative or distributor representative shall engage in business as such in this state without a license therefor as provided in KRS 190.010 to 190.080.

(4) Application for license shall be made to the licensor, at such time, in such form and contain such information as the licensor shall require and shall be accompanied by the required fee. The licensor may require in such application, or otherwise, information relating to the applicant's solvency, his financial standing or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by said licensor in determining the fitness of said applicant to engage in business as set forth in this section.

(5) All licenses shall be granted or refused within 30 days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted, except that where a complaint of unfair cancellation of dealer franchise is in the process of being heard, no replacement application for such franchise shall be considered until a decision is rendered by the *Board* [department].

(6) The license fee for such calendar year, or part thereof, shall be as follows, effective January 1, *1967*, [1957];

(a) For motor vehicle dealers, *fifty* [ten] dollars for each office or branch or agent thereof, plus one dollar for a supplemental license for each used car lot not immediately adjacent to the office or to a branch.

(b) For motor vehicle manufacturers, *fifty* [five] dollars; and for each factory branch in this state, five dollars.

(c) For distributors or wholesalers, the same as for dealers.

[(d) Any person licensed under subsection (b) or (c) next preceding, may also operate as a motor vehicle dealer, without any additional fee or license.]

*(d)* [(e)] For mtor vehicle salesmen, *five* [two] dollars.

*(e)* [(f)] For factory representative, or distributor branch representative, *five* [two] dollars.

(7) The licenses of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the licensor shall indorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(8) Every salesman, factory representative or distributor representative shall carry his license when engaged in his business, and display the same upon request. The license shall name his employer, and in case of a change of employer, the salesman shall immediately mail his license to the licensor who shall indorse such change on the license without charge.

(9) Provided the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute the licensor may require such applicant or licensee to furnish and maintain a bond in such form, amount and with such sureties as it shall approve, but not less than five thousand dollars, nor more than fifteen thousand dollars, conditioned upon such applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any acts of the licensee constituting grounds for suspension or revocation of his license hereunder. The bonds

shall be executed in the name of the state of Kentucky for the benefit of any aggrieved parties, but the penalty of said bond shall not be invoked except after a court adjudication thereof. The above bonding requirements shall not apply to manufacturers, factory branches, and their agents.

(10) Application for dealers license shall be submitted to the department in duplicate ad contain such information as the department may require. No motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall be permitted to register, receive, or use any motor vehicle registration plates.

(11) Every motor vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at such intervals and showing such information as the licensor may require.

Section 4. Section 190.035 of the Kentucky Revised Statutes is amended to read as follows:

No license shall be issued by the department to any person to act as a motor vehicle dealer, or as a motor vehicle salesman for a motor vehicle dealer, unless the applicant for the motor vehicle dealer license has a fixed and permanent place of business in this state, including a *lot and a* building of suitable character and adequate facilities for the purpose of performing the functional business and duties of a motor vehicle dealer, which shall include the books, records, files and equipment necessary to properly conduct such business. The place of business shall not consist of a residence, tent, temporary stand or open lot. A *dealer may conduct more than one business in a building otherwise meeting the requirements of this Chapter providing he has suitable space and adequate facilities therein to properly conduct the business of a motor vehicle dealer. The lot requirement of this section may be waived if the dealer has sufficient space within a building to properly show and display the motor vehicles being sold by him. The dealer shall display a sign easily visible from the street identifying his business.*

Section 5. Section 190.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license may be denied, suspended or revoked on the following grounds:

(a) Proof of financial or moral unfitness of applicant;

(b) Material misstatement in application for license;

(c) Filing a materially false or fraudulent [income] tax return as certified by the Department of Revenue;

(d) Wilful failure to comply with any provision of this section or any rule or regulation promulgated *under this Chapter* [by the Commissioner under KRS 190.010 to 190.080];

(e) Wilfully defrauding any retail buyer to the buyer's damage;

(f) Wilful failure to perform any written agreement with any [retail] buyer;

(g) Failure or refusal to furnish and keep in force any bond required;

(h) Having made a fraudulent sale, transaction or repossession;

*(i) False or misleading advertising;*

*(j)* [(i)] Fraudulent misrepresentation, circumvention or concealment through whatsoever subterfuge or device of any of the material particulars or the nature thereof required hereunder to be stated or furnished to the retail buyer;

*(k)* [(j)] Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

*(l)* [(k)] Having violated any law relating to the sale, distribution or financing of motor vehicles;

*(m)* [(l)] Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent, or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has induced or coerced or attempted to induce or coerce any automobile dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or

any other commodities which shall not have been ordered by said dealer;

*(n)* [(m)] Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has attempted to induce or coerce, or has induced or coerced, any automobile dealer to enter into any agreement with such manufacturer, factory branch or representative thereof, or to do any other act unfair to said dealer, by threatening to cancel any franchise existing between such manufacturer, factory branch or representative thereof and said dealer; or

*(o)* [(n)] Being a manufacturer, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has unfairly, without due regard to the equities of said dealer and without just provocation, canceled the franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this section and shall constitute an unfair cancellation; [.]

*(p) Being a distributor or wholesaler who makes, attempts to make or aids or abets the making of a sale of a motor vehicle to a person other than a licensed motor vehicle dealer.*

(2) The licensor may without notice deny the application for a license within thirty days after receipt thereof by written notice to the applicant, stating the grounds for such denial. Upon request by the applicant whose license has been so denied, the licensor shall set the time and place of hearing a review of such denial, the same to be heard with reasonable promptness.

(3) No license shall be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least thirty days' notice of the time and place of hearing and of the charges against it.

(4) The department *or board* may inspect the pertinent books, letters, records and contracts of a licensee.

(5) If a licensee is a firm or corporation, it shall be suf-

ficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if such licensee approved of or had knowledge of said acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

(6) Any licensee or other person in interest being dissatisfied with *a* [an] *final* order of the Department *approved by the Board* may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided by KRS 281.780 to 281.785.

Section 6. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*It is hereby declared to be the public policy of this Commonwealth to provide for fair and impartial regulation of those persons engaged in the business of the manufacture, distribution or sale of motor vehicles. Any of the provisions of this chapter which are applicable to such activities shall be administered in such a manner as will promote honesty, integrity, safety, veracity and sound economic conditions in the motor vehicle sales industry and among those engaged therein, without unjust discrimination or undue preference or advantage. It is declared to be the further policy of the Commonwealth to protect the public interest in the purchase and trade of motor vehicles, so as to insure protection against irresponsible vendors or dishonest or fraudulent sales practices.*

Section 7. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*To carry out the declaration of policy and the provisions of this Chapter, there is hereby created a Motor Vehicle Dealers Board to consist of 9 members, 8 of whom are to be appointed by the Governor and each of whom must reside in a separate federal congressional district, except the Commissioner and one other,*

*who shall represent the Commonwealth at large. The Commissioner of Motor Transportation shall serve as the ninth member of the Board. No more than five members of the Board shall belong to any one political party, and four members shall be new motor vehicle dealers and four members shall be used motor vehicle dealers. Of those members of the Board, who are new motor vehicle dealers, no more than two shall represent the same automobile manufacturer as a franchised dealer. Upon the effective date of this act, the Governor shall appoint two members of the Board to serve for a period of one year; three members to serve for a period of two years; and, three members to serve for a period of three years. Thereafter, their successors in office shall be appointed by the Governor for a term of three years each.*

Section 8. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*Members of the Kentucky Motor Vehicle Dealers Board shall meet at such times as they may by regulation prescribe. Any proceeding conducted by the Board shall be construed to be a meeting of the Board under this section for each day said proceeding is conducted. To constitute a meeting of the Board within the meaning of this section, a quorum of the Board must be present and must participate. Five members of the Board shall constitute a quorum. All final orders shall be in writing and shall be signed by the Commissioner and approved by the Board.*

Section 9. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*Members of the Board actually participating in a meeting or proceeding in which a quorum is present shall receive compensation therefor at the rate of Forty dollars per day plus the actual mileage, at the rate of eight cents per mile, traveled by each between his home and the place of meeting, but in no event shall any member be paid for more than twenty days in any one calendar year. Departmental and Board expenditures under the provisions of this Chapter shall be limited to the monies appropriated by this act and future appropriations for the enforcement and administration of this Chapter.*

Section 10. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*The Department of Motor Transportation shall serve as the administrative and enforcement agency of the Board in all respects and shall perform such services and duties as it may be legally called upon to do. In addition to the other powers granted to the Department, it shall have the powers of arrest for violation of the provisions of this Chapter. In the event the Board fails to perform any of its official duties within the time prescribed herein, the Department may perform said duties and certify its actions to the Board.*

Section 11. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*All records of the Board, including those maintained by the Department for its account, shall be public records. All persons holding any license which is authorized by this Chapter, as of the effective date of this Act, shall have the right to continue to hold, maintain, and renew such license after the effective date of this Act, subject only to the suspension or revocation thereof pursuant to the provisions of this Chapter.*

Section 12. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*At the instance of the Board, the Department or of any person having any interest in the subject matter, the courts of this state may enjoin any person from violating any of the provisions of this Chapter, or any order, rule, regulation or requirement of the Department. The Franklin Circuit Court shall hold concurrent venue with the courts of this Commonwealth of all civil and injunctive actions instituted by the Board or the Department for the enforcement of the provisions of this Chapter, or the orders, rules, regulations or requirements properly promulgated under this Chapter.*

Section 13. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*No motor vehicle dealers license or wholesalers license shall be issued or renewed unless the applicant or holder of said license shall have on file with the Department an approved indemnifying bond or insurance policy issued by some surety company or insurance carrier authorized to transact business within the Com-*

*monwealth of Kentucky. The term of the bond or policy shall be continuous and shall remain in full force until cancelled under proper notice. All bonds or policies must be issued in the name of the holder or applicant for the dealers license or wholesalers license. The bond or policy shall provide public liability and property damage coverage for the operation of any vehicle owned or being offered for sale by the said dealer or wholesaler when being operated by the owner or seller, his agents, servants, employees, prospective customers or other persons. The amount of said insurance shall be ten thousand dollars for bodily injury or death of any one person; and twenty thousand dollars for bodly injury or death in any one accident; and five thousand dollars property damage. Said bond or insurance policy may not be cancelled unless fifteen days' notice by the bondsman or insurance carrier has been given in writing to the Department. Upon the cancellation of any bond or insurance policy required hereunder, the right to engage in the business of a motor vehicle dealer or wholesaler shall immediately abate; provided, however, that if the bond or insurance policy is reinstated within thirty days from the date of cancellation the rights granted by the license shall again be in force and effect, otherwise, the said license shall become void.*

Section 14. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*Hearings under this Chapter shall be heard by the Department and may be held at the most convenient place for the parties and witnesses. The hearing shall be conducted by an examiner of the Department. After the final conclusion of the hearing, the examiner shall make a report and recommended order, which report and recommended order shall contain a finding of fact and a conclusion of law, and such report and recommended order shall be served by mail upon each of the parties. Any of the parties thereto may, within twenty days after the date of the report and recommended order, file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed within twenty days after the date of the filing of exceptions. Thereafter the Commissioner shall consider and pass upon the case. When passed upon by the Commissioner and approved by the Board, the decision shall be served by mail upon all parties and*

*shall be a final order of the department. The report and recommended order will not become the decision of the department through failure to file exceptions, but in the absence of exceptions ordinarily will be taken by the department as a basis of its decision.*

Section 15. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*A final order may be withdrawn, set aside or amended, provided, however, that such action is taken between the date of the rendition of the final order and the expiration of the time for appeal or until an appeal has been taken.*

Section 16. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*Whenever any licensee is found to be violating any of the provisions of this chapter, or any order or rule or regulation prescribed by the department pursuant thereto, or is found to be permitting any of its salesmen to violate any of the provisions of this chapter, or any order, or rule or regulation prescribed by the department pursuant thereto, the department may, upon complaint or upon its own motion, issue its order to such licensee notifying it to appear before the department at a fixed time and place at which time and place the department shall have a hearing. If the Department and the Board are satisfied, after a hearing, that the licensee has violated or refused to observe any of the provisions of this chapter, or any order, or rule or regulation of the department, or has permitted any of its salesmen to violate any of the provisions of this chapter or any order, or rule or regulation prescribed by the deparment pursuant thereto, the deparment may suspend or revoke the license of such licensee. The renewal by the department of any license shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.*

Section 17. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*Where application for any license provided for herein has*

*been made, a temporary permit may be granted to the applicant to engage in the business for which the license is sought. The temporary permit shall be valid until such time as the application is approved or denied, but in no event for a period longer than ninety days. KRS 190.040 (3) shall not apply to a temporary permit.*

Section 18. A new section of Chapter 190 of the Kentucky Revised States is created to read as follows:

*The Department with the approval of the Board may promulgate appropriate and reasonable regulations for the purpose of carrying out the provisions of this Chapter.*

Section 19. A new section of Chapter 190 of the Kentucky Revised Statutes is created to read as follows:

*There is appropriated to the Department of Motor Transportation out of the General Fund for the purpose of administering Chapter 190 of the Kentucky Revised Statutes the sum of $153,000 for the biennium beginning July 1, 1966 and ending June 30, 1968.*

Section 20. Section 190.060 of the Kentucky Revised Statutes is repealed.

**HB 414**, AN ACT relating to motor vehicle registration license fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Subsection (1) of Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator shall be *as follows:* [$4.50]

*Class One—3,000 lbs. or less* ---------- *$10.00*
*Class Two—3,001 lbs. to 4,500 lbs.* ---------- *$15.00*
*Class Three—all over 4,500 lbs.* ---------- *$25.00*
*Any above vehicle of any class over 10 years of age* -- *$10.00*

Section 2. *This Act shall become effective upon the issuance of registration plates for the registration year 1967.*

**HB 415**, AN ACT relating to motor vehicle registration fees, distribution among cities and counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 47.020 of the Kenucky Revised Statutes is amended to read as follows:

(1) One-half of all revenues raised by the tax imposed by subsections (3) to (8) of KRS 186.050 shall be evenly distributed among all the counties, for the county road fund.

(2) *One-half of all revenues raised by the tax imposed by subsection (1) of KRS 186.050 shall be distributed to all incorporated cities for the city road and street fund as follows:*

*Cities of the First Class* ---------- *10%*
*Cities of the Second Class* ---------- *15%*
*Cities of the Third Class* ---------- *15%*
*Cities of the Fourth Class* ---------- *20%*
*Cities of the Fifth Class* ---------- *20%*
*Cities of the Sixth Class* ---------- *20%*

(3) *This Act shall become effective upon the issuance of registration plates for the registration year 1967.*

The Committee on Kentucky Statutes # 3 reported **HB 12, HB 22, HB 23, HB 28, HB 42, HB 48, HB 50, HB 70, HB 74, HB 75, HB 77, HB 85, HB 102, HB 108, HB 117, HB 123, HB 139, HB 153, HB 158, HB 167, HB 195, HB 204, HB 216, HB 304, HB 309, HB 310, HB 332, HB 375, HB 381, HB 425, HB 426, HR 22, HR 29, HR 38** and **HR 62** with the expression of opinion that the same should not pass.

The Committee on Judiciary and Judicial Council reported **HB 312, HB 429, HB 434, SB 124** and **SB 159** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 312**, AN ACT relating to non-commercial dog kennels.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The maintenance and operation of a non-commercial kennel upon any lot or other premises occupied by the owner or tenant as a dwelling house does not constitute a non-conforming use of land zoned for residential purposes in violation of the zoning regulations of any city or county. As used herein a non-commercial kennel means a kennel at, in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder in using them for hunting or practice tracking or for exhibiting them in dog shows or field or obedience trials or for the guarding or protecting the householder's property. The occasional raising of a litter of puppies at the kennel and occasional sale of pups by the keeper of a non-commercial kennel does not change the character of residential property.

**HB 429**, AN ACT relating to Alcoholic Beverages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 244.050 is hereby amended to read as follows:

*(1)* No retail licensee shall give away any alcoholic beverage in any quantity, or deliver it in any quantity for less than a full consideration.

*(2) No licensee shall sell any malt beverage, or permit any malt beverage to be carried from his premises, in a soft drink carton or case or in any other carton or case with the name of a non-alcoholic product thereon.*

**HB 434**, AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) To the extent that any right or interest, vested or otherwise, in a plan established by or for an individual or individuals for retirement purposes and meeting the requirements for exemption under the Federal income tax laws may be held to be subject to assessment and taxation, the basis of

the assessment shall be the fair cash value of such vested right or interest.

(2) The owner or person enjoying such right or interest, on January 1 of each year, shall pay a tax to the state of one-tenth of one cent upon each one hundred dollars of the fair cash value. No other tax shall be assessed by the state or by any county, city, school district, or other taxing district on any such right or interest or against the holder of any such right or interest.

(3) The administrator, executor, trustee, committee, curator, or agent of any plan established for retirement purposes, as defined in subsection (1) of this Act may list and pay the applicable tax for all of the participants in the plan subject to taxation by virtue of their respective vested rights or interests in such pension plan, and the owner or person enjoying such right or interest shall be deemed to have paid such tax.

Section 2. (1) Every person having on September 1 of any year a deposit, representing savings, in Kentucky in any credit union organized under the laws of this state or doing business in this state shall pay an annual tax to the state equal to one-tenth of one cent upon each one hundred dollars of the deposit or savings, and no deduction therefrom shall be made for any indebtedness. The tax shall be paid to the Department of Revenue by the credit union with which the deposit is made, as agent of the depositor member on or before November 1 of each year. The credit union may charge to and deduct from the deposits of each depositor member the amount of tax so paid on his behalf. A lien is hereby given to the credit union on the funds belonging to the respective depositor member on which the tax has been so paid. Any claim for taxes against the depositor member by the credit union paying the taxes shall be asserted within six months after payment of the taxes to the department, and all claims or liens therefor shall be thereafter barred.

(2) Each credit union shall file with the Department of Revenue on or before September 21 each year a report setting forth the total amount of the savings deposits of members as of the preceding September 1 that would be taxable in the name of the depositor member under the laws of this state.

(3) Any credit union that fails to make the returns or pay the taxes on behalf of its depositor members within the time limits prescribed by this Act shall be subject to the penalties and interest provided in KRS 131.180.

(4) No other tax shall be assessed by the state or any county, city, or other taxing district on such deposits or against the depositor members on account of such deposits.

**SB 124**, AN ACT relating to trial commissioners of police court in cities of second class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The elected judge of police court of a city of the second class may appoint one or more trial commissioners and may designate one of such commissioners to serve as judge pro tem. Such trial commissioners shall hear cases in rooms provided by the city legislative body for police court and may sit simultaneously with the elected judge. The judge pro tem shall have the same rights, powers and duties as the elected judge whenever the elected judge fails to attend and hold court or vacates the bench. The trial commissioners shall have the same qualifications as the elected judge, shall hold office at the pleasure of the elected judge and shall not practice any case in police court or in the criminal branch of the circuit court of the county in which such city is located. The compensation of the trial commissioners for services rendered shall be fixed by ordinance not to exceed the rate of salary of the elected judge and be paid by the city at the same time as the salary of other city officers.

Section 2. Section 26.240 of the Kentucky Revised Statutes is amended to read as follows:

Whenever the police judge of a city of the second class, *having no trial commissioner designated as judge pro tem,* fails to attend and hold court, the police judge, or if he fails so to do, the mayor of the city, shall designate some attorney who has no case on the docket of the court to act as judge pro tem. The

judge pro tem shall exercise the same powers, perform the same duties and receive the same compensation pro rata as the regular judge. During the vacation of the regular judge, the compensation of the pro tem judge shall not be deducted from the salary of the regular judge.

**SB 159**, AN ACT relating to marriage.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 402.020 is amended to read:

Marriage is prohibited and void:

(1) With an idiot or lunatic;

(2) Between a white person and a Negro or mulatto;

(3) Where there is a husband or wife living, from whom the person marrying has not been divorced;

(4) When not solemnized or contracted in the presence of an authorized person or society;

(5) When at the time of marriage, the male is under eighteen or the female under sixteen years of age, provided, however, that in case of pregnancy the male and female, or either of them, under the ages herein specified may apply to a *county* [circuit] judge for permission to marry, which application may be granted, in the discretion of the *county* [circuit] judge.

## Calendar

**HB 471, HB 356, HB 430, HB 442, HR 96, HB 337, HB 291, HB 292** and **SB 66** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

County Government: **HB 468.**

Courts and Legal Procedure: **HB 466, HB 480.**

Education: **HB 467, HB 475.**

Kentucky Statutes # 1: **HB 457, HB 460, HB 462, HB 463, HB 465, HB 470, HB 472, HB 473, HB 474, HB 476, HB 477, HB 478, HB 479, HB 482, HB 483, HB 484,** and **SB 145.**

Kentucky Statutes # 2: **HB 458, HB 459** and **501.**

Motor Transportation: **HB 461, HB 481.**

Public Health: **HB 469.**

Regulation of Intoxicating Liquors: **HB 464.**

Revenue and Taxation: **HB 455, HB 456.**

Representative Watkins moved that the Rules be suspended for the introduction of a Resolution. Agreed.

**Motions, Petitions and Communications**

**HR 102**, by Representative Watkins: A RESOLUTION inviting the members of the Committee on the proposed Patton Museum at Ft. Knox, Kentucky, to address the House of Representatives.

WHEREAS, the establishment of a new Patton Museum at Ft. Knox, Kentucky, is now being considered; and

WHEREAS, the members of the General Assembly are interested in obtaining more information about the proposed new Patton museum;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the members of the committee on the proposed Patton Museum at Ft. Knox, Kentucky, be and are hereby extended an invitation to address the House of Representatives on a convenient day at a convenient time.

Section 2. That a copy of this resolution be sent to Colonel

Edward F. Majors, Ft. Knox, Kentucky, and to Colonel Clarence L. Geoghegan, 1244 S. 4th St., Louisville, Kentucky.

Representative Watkins moved the adoption of **HR 102.** Agreed.

**HR 105**, by Representatives Henry, Peniston, Bates, Straney, Ball, Denham, DeMarcus, Jordan, Criscillis, Archie Brown, John Y. Brown and Keene: A RESOLUTION expressing appreciation to the University of Kentucky for the hospitality shown to members of the House of Representatives at the basketball game Saturday, February 26, 1966.

WHEREAS, the University of Kentucky provided dinner for the members of the House of Representatives at the basketball game Saturday, February 26, 1966; and

WHEREAS, the members of the House of Representatives are very proud of the University of Kentucky basketball team, which defeated the University of Tennessee team 78-64 on Saturday, February 26, 1966, and were very honored to be present at the game as the guests of the University of Kentucky; and

WHEREAS, the members of the House of Representatives wish to express their gratitude to the University of Kentucky for the gracious hospitality extended to them;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the members of the House of Representatives hereby extend to the University of Kentucky their appreciation for the hospitality extended to them at the basketball game Saturday, February 26, 1966.

Section 2. That a copy of this resolution be sent to John W. Oswald, President of the University of Kentucky.

Representative Henry moved the adoption of **HR 105.** Agreed.

Representative Irick moved that the Rules be suspended for the Introduction of a Bill. Agreed.

**Introduction of Bills and Resolutions**

**HB 504**, by Representatives Isler, Overman, Murphy, Ostertag and King: AN ACT relating to the levy of taxes by cities.

**Motions, Petitions and Communications (Contd.)**

**HR 107**, by Representatives Cox, Bates, McCallum, Pettit, Young, Osborn, Blythe, Johnson, Clark, Pile, Bartley, Peniston, Siemens and McNamara: A RESOLUTION thanking the President of the University of Louisville and his associates for their hospitality in entertaining the members of the General Asembly.

WHEREAS, the members of the General Assembly of the Commonwealth of Kentucky had the honor of being the guests of the University of Louisville Thursday evening, February 24, 1966, and the opportunity of attending the basketball game between the University of Louisville and Drake University; and

WHEREAS, the hospitality showered upon the members of the General Assembly by the President of the University of Louisville, Dr. Philip Grant Davidson, and his associates was most gracious and generous; and

WHEREAS, each and every member of the General Assembly who had the honor of participating in the events of Thursday evening, February 24, 1966, sponsored by the University of Louisville, thoroughly enjoyed the evening's events;

NOW THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the appreciation of the members of the General Assembly be and is hereby extended to the President of the University of Louisville, Dr. Philip Grant Davidson, and to his associates thanking them for their most gracious and generous hospitality.

Section 2. That the members of the General Assembly take this means of offering to the University of Louisville and its President their sincerest congratulations on winning the basketball game against Drake University.

Section 3. That a copy of this resolution be sent to the President of the University of Louisville, Dr. Philip Grant Davidson.

Representative Cox moved the adoption of **HR 107**, Agreed.

**HR 106**, by Representative McIntyre: A RESOLUTION relating to the distribution of the state teachers fund.

Representative McIntyre moved the adoption of **HR 106.**

Representative Straney moved that **HR 106** be referred to Committee on Committees.

On the roll call the vote was yeas 24—Bondurant, Bourne, John Y. Brown, Bruce, Carroll, Chapman, Clapp, Cox, Criscillis, Hale, Harris, Henry, Hinkle, Hoffman, Keene, McNamara, John D. Miller, Morgan, Ostertag, Peniston, Pile, Roberts, Smothers, Straney. Nays 23—Ball, Bicknell, Blume, Blythe, Buky, Clark, DeMarcus, Dempsey, Eicher, Harper, Hoe, Jones, Kessinger, McCowan, McIntyre, Peace, Russell, Sartin, Smith, Stuart, Vanover, White, Wright.

The motion that **HR 106** be referred to Committee on Committees was adopted.

**HR 104**, by Representative DeMarcus: A RESOLUTION requesting the Federal District Corps of Engineers to begin construction on the proposed hydro-electric dam to be located on the Rockcastle River.

WHEREAS, the new criteria for consideration of public works projects under the Appalachian Regional Development Act of 1965, Public Law 89.4, section 206, Water Resource Survey, makes the economic advisability of the construction of hydro-electric dams on the Rockcastle River worthwhile, and

WHEREAS, public works projects such as the construction of these hydro-electric dams will greatly reduce the unemployment in the Commonwealth, provide recreation facilities, produce electric power, improve flood control and navigation,

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the United States Corps of Engineers, Nashville, Tennessee District, begin construction on a previously proposed hydro-electric dam on the Rockcastle River in Rockcastle, Pulaski and Laurel Counties to provide a reservoir for flood control, navigation and recreation.

Section 2. Resolve that this resolution expresses the will of the members of this House and the people of the Commonwealth.

Section 3. That copies of this resolution be sent to (a) the District Engineer, U. S Army Engineer District, Nashville, Tennessee; (b) the entire Kentucky Congressional and Senatorial delegation; and (c) the President of the United States.

Representative DeMarcus moved the adoption of **HR 104.** Agreed.

**Recess**

Representative John Y. Brown moved that the House recess for ten minutes for Committee on Committees meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

**Recess**

Representative John Y. Brown moved that the House recess until 7:00 p.m.

On the roll call the vote was yeas 40—Allen, Arnett, Barber, Bates, Billings, Blythe, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Cox, Criscillis, Denham, Harris, Hinkle, Hopkins, Johnson, Jordan, Kelly, Lassiter, Leeds, Maddox, Martin, McIntyre, McNamara, Murphy, Overman, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Siemens, Smothers, Tucker, Wallace, Webster. Nays 18—Ball, Bicknell, Caldwell, Clapp, Clark, Dempsey, Eicher, Floyd, Hale, Harper, Henry, Hislope, Hoe, McCowan, Riddle, Stuart, White, Wright.

The motion that the House recess until 7:00 p.m. was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative John Y. Brown moved that the Rules be suspended for Committee Reports. Agreed.

**Report of Committees** (Cont.)

The Committee on Kentucky Statutes No. 2 reported **HB 501** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Board of Trustees of the University of Kentucky, (herein called Board) may include Paducah Junior College in the system provided for by KRS 164.580 upon the concurrence of the Board and the Board of Trustees of Paducah Junior College. Following the concurrence of the two Boards an agreement shall be executed between the Board and the Board of Trustees providing for the conversion of the existing facilities of Paducah Junior College and containing other provisions the parties deem appropriate and desirable.

(2) The agreement required by subsection (1) may provide for the transfer to the Board of any funds accruing to Paducah Junior College as the result of any contract or agreement with any agency or instrumentality of the United States or the Commonwealth of Kentucky including any funds accruing pursuant to Kentucky Revised Statutes 164.027.

(3) Upon the execution of the agreement required by subsection (1), any taxes levied under KRS 165.170 or 165.175 and paid to the trustees shall continue to be received by the Board of Trustees of Paducah Junior College. However, the Trustees may in the agreement, provide for the expenditure of the taxes levied for such purposes as the trustees and the Board may mutually agree.

The Committee on Criminal Law reported **SB 57** and **HB 182** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 57**, AN ACT relating to persons who flee from traffic arrests.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Section 2. No operator of a vehicle, after having received a visual or audible signal from a traffic officer, or marked police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle or the traffic officer or other vehicles or pedestrians nor shall he increase the speed of his vehicle or extinguish the lights of his vehicle in an attempt to elude or flee.

Section 3. Every person convicted for violation of any provision of Section 2 shall be punished upon a first conviction by imprisonment for a period of not less than 5 days nor more than 90 days, or by fine of not less than $25. nor more than $500., or by both such fine and imprisonment and on a second or subsequent conviction shall be punished by imprisonment for not less than 10 days nor more than 6 months, or by a fine of or not less than $50. nor more than $1,000., or by both such fine and imprisonment.

**HB 182**, AN ACT relating to public offenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any person who steals a dog of the value of one hundred dollars or more shall be confined in the penitentiary for not less than one nor more than five years.

Section 2. Any person who steals a dog of less value than one hundred dollars shall be imprisoned for not less than one nor more than twelve months or fined not less than fifty dollars nor more than five hundred dollars.

Section 3. Any person who has in his possession any stolen dog, knowing it to be stolen, shall be liable to the same punish-

ment as the person stealing it. Any person who violates this section may be convicted, although the principal offender has not been convicted.

The Committee on Motor Transportation reported **HB 481** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 481**, AN ACT relating to motor vehicles and the regulation thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of Chapter 281 of the Kentucky Revised Statutes is created to read as follows:

*The Department shall grant to any qualified applicant therefor an irregular route common carrier certificate limited to the transportation of materials, supplies and equipment used exclusively for the construction, reconstruction or maintenance of any public highway, road or street, if the applicant is fit, willing and able to perform the service proposed and to conform to the provisions of this Chapter and the regulations of the Department thereunder. The certificate provided for herein shall be issued without a hearing and without notice to other carriers or persons. A hearing may be held to determine the applicant's fitness and ability to conduct the service proposed. Every carrier engaged in this type activity as of the effective date of this act shall, upon complying with the regulations of the Department and the provisions of this Chapter, be entitled to a certificate upon application and affidavit that he has been engaged in such activity. A carrier operating pursuant to this certificate shall be exempt from the tariff filing requirement of this Chapter.*

Section 2. Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS

189.380, KRS 189.390, except subsection (4) (c), KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both. Any person who violates KRS 189.390 (4) (c) shall be fined not less than one dollar nor more than twenty dollars. Neither court costs nor fees shall be taxed against any person convicted of violating KRS 189.390 (4) (c).

(2) (a) Any person who violates the weight provisions of KRS 189.221 or KRS 189.222 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined *not more than* [in] an amount equal to two cents per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents per pound when the excess exceeds 5,000 pounds but in no case to exceed $500.

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Division of Motor Transportation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than five nor more than fifty dollars for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than five dollars.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than twenty-five nor more than two hundred dollars.

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (3) of KRS 189.320 shall be guilty of a misdemeanor.

(7) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(8) Any person who violates KRS 189.500 shall be fined not more than five dollars in excess of the cost of the repair of the road.

(9) Any person who violates KRS 189.510 shall be fined not less than ten nor more than fifty dollars.

(10) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than one hundred nor more than five hundred dollars, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not more than six months.

(b) Any peace offcer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

(11) Any person who violates KRS 189.530 shall be fined

not less than twenty-five nor more than one hundred dollars or imprisoned not less than thirty days nor more than twelve months, or both.

(12) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than ten nor more than one hundred dollars for each offense.

(13) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than twenty nor more than one hundred dollars for each offense.

(14) The fines imposed by subsection (4) (a) and subsections (8) and (9) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(15) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(16) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not exceeding twenty-five dollars.

(17) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(18) (a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than fifteen dollars nor more than two hundred dollars, or imprisoned for not more than thirty days, or both.

(b) In addition to the penalties prescribed in subsection (a) of this section, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than one hundred nor more than five hundred dollars. Each violation shall constitute a separate offense.

(19) Any person who has been given a written notice as provided in subsection (2) of KRS 189.730 and who fails to take proper action thereon shall be guilty of a misdemeanor, and

upon conviction thereof shall for the first offense be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days; for a second conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than twenty days, or both; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

(20) Any person who violates KRS 189.740 shall be guilty of a misdemeanor, and shall be subject, upon conviction, to the penalties provided in subsection (19) of this section.

The Committee on Ways and Means reported **HB 145, HB 382,** and **HB 416** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 145,** AN ACT relating to public assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 205.210 is amended to read:

(1) The amount of public assistance to be granted shall be determined with due regard to the needs and resources of the individual and family as prescribed by regulation, provided, that if available funds during a budgetary period are insufficient to meet the full needs of the recipients in all or any of the categories of public assistance, the funds available shall be reasonably prorated to recipients in such categories according to pending and anticipated applications during such budgetary period.

(2) Notwithstanding any other provisions of law to the contrary, resources in any given case shall be deemed to include among other things:

(a) [The income and any property belonging to any applicant or recipient;] Except *for* the exemptions of the kind and amount of income prescribed by regulations within the scope

of the Social Security Act, its amendments and federal regulations, *and except for the amount of increase in any of the benefits of the Social Security Act and its amendments after December 31, 1964, the income and any property belonging to any applicant or recipient.*

(b) The income and any property of the spouse living with any needy aged, needy blind or needy permanently and totally disabled person;

(c) Such income and resources as may be available to applicants or recipients from persons legally liable for their support.

(3) The value of any property voluntarily transferred by any applicant or recipient or the spouse living with any applicant or recipient for the purpose of establishing eligibility for public assistance shall be deemed a resource of such applicant or recipient under this section.

**HB 382,** AN ACT relating to thoroughbred racing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 230.300 is amended to read as follows:

(1) Any person desiring to conduct thoroughbred racing within the Commonwealth of Kentucky during any calendar year shall first apply to the commission for a license to do so. The application shall be filed at the commission's general office on or before a day fixed by the commission. The application shall specify the location of the track and the days on which racing is desired to be conducted or held and shall be in the form and contain such other information and data as the commission may, by rule, require.

(2) The commission shall as soon as practicable but in no event later than March 1 in any calendar year award all dates for racing in Kentucky during the year. The commission may issue such license to conduct a thoroughbred race meeting to any person who makes the aforesaid application, who has complied with the requirements of KRS 230.210 to 230.360 as well as the rules of the commission and where the issuance thereof is in the best interest of racing generally. As a condition prece-

dent to the issuance of the license, the commission may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth, together with the payment of operating expenses including purses and awards to owners of horses participating in races.

(3) Every license issued unde KRS 230.210 to 230.360 shall specify among other things the name of the person to whom issued, the address and location of the track where the thoroughbred race meeting to which it relates is to be held or conducted, and the days and hours of the day when the meeting will be permitted.

(4) A license issued under this section is neither transferable nor assignable and shall not permit the conduct of a thoroughbred race meeting at any track not specified therein. However, if the track specified becomes unsuitable for thoroughbred racing because of flood, fire or other catastrophe, the commisison may, upon application, authorize the meeting, or any remaining portion thereof, to be conducted at any other suitable track available for that purpose, provided that the owner of such track willingly consents to the use thereof.

(5) Thoroughbred racing dates may be awarded and licenses issued authorizing thoroughbred racing on any day of the year except Sundays. No thoroughbred racing shall be held or conducted on any Sunday. Thoroughbred racing shall be held or conducted only between sunrise and *midnight* [sunset].

(6) The commission may at any time require the removal of any official or employe of any association in those instances where it has reason to believe that the official or employe has been guilty of any dishonest practice in connection with thoroughbred racing or has failed to comply with any condition of his license or has violated any law or any rule or regulation of this commission.

(7) Every thoroughbred race not licensed under this section is hereby declared to be a public nuisance and the commission may obtain an injunction against the same in the circuit court of the county where the unlicensed race is proposed to take place.

**HB 416**, AN ACT to provide for the registration and protection of trademarks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act unless the context indicates otherwise:

(1) "Trademark" means any word, name, symbol, union label, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

(2) "Service mark" means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others.

(3) "Mark" includes any trademark or service mark entitled to registration under this Act whether registered or not.

(4) "Person" means any individual, firm, partnership, corporation, association, union or other organization.

(5) "Applicant" embraces the person filing an application for registration of a mark under this Act, his legal representatives, successors or assigns.

(6) "Registrant" embraces the person to whom the registration of a mark under this Act is issued, his legal representatives, successors or assigns.

(7) For the purpose of this Act, a trademark shall be deemed to be "used" in this state (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in the state, and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in this state.

Section 2. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it

(1) consists of or comprises immoral, deceptive or scandalous matter; or

(2) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(3) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(4) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(5) consists of a mark which, (1) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods or services of the applicant is primarily geographically descrptive or deceptively misdescriptive of them, or (3) is primarily merely a surname, provided, however, that nothing in this subsection shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The Secretary of State may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration; or

(6) consists of or comprises a mark which so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

Section 3. (1) Subject to the limitations set forth in this Act, any person who adopts and uses a mark in this state shall file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that mark setting forth, but not limited to, the following information:

(a) The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation,

(b) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall,

(c) the date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business, and

(d) a statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

(2) The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

(3) The application shall be accompanied by a specimen or facsimile of such mark in triplicate, and a filing fee of ten dollars, payable to the Secretary of State.

Section 4. (1) Upon compliance with the requirements of this Act, the Secretary of State shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the Secretary of State and the seal of the state, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

(2) Any certificate of regstration issued by the Secretary of State under the provisions hereof or a copy thereof duly certified by the Secretary of State shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this state.

Section 5. (1) Registration of a mark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such terms, on a form furnished by the Secetary of State, which includes a statement that the mark is still in use in this state, the registration may be renewed for a like term. A renewal fee of ten dollars, payable to the Secretary of State, shall accompany the application for renewal of the registration.

(2) A mark registration may be renewed for successive periods of ten years in like manner.

(3) The Secretary of State shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration, by writing to the last known address of the registrants.

(4) All registrations in force on the date on which this Act shall become effective shall expire one year after the effective date of this Act and may be renewed by filing an application with the Secretary of State on a form furnished by him and paying the aforementioned renewal fee therefor within six months prior to the expiration of the registration.

(5) The Secretary of State shall within six months after the effective date of this Act notify all registrants of marks under previous acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this Act, by writing to the last known address of the registrants.

Section 6. Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and shall be recorded with the Secretary of State upon the payment of a fee of five dollars payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this Act shall be void as against any subse-

uent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of State within three months after the date thereof or prior to such subsequent purchase.

Section 7. The Secretary of State shall keep for public examination a record of all marks registered or renewed under this Act.

Section 8. All fees collected by the Secretary of State shall be deposited in the state treasury to the credit of a revolving fund for the use of the Secretary of State in the administration of the provisions of this Act.

Section 9. The Secretary of State shall cancel from the register:

(1) After one year from the effective date of this Act all registrations under prior acts which are not renewed in accordance with this Act;

(2) Any registration concerning which the Secretary of State shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;

(3) All registrations granted under this Act and not renewed in accordance with the provisions thereof;

(4) Any registration concerning which a court of competent jurisdiction shall find

(a) that the registered mark has been abandoned,

(b) that the registrant is not the owner of the mark,

(c) that the registration was granted improperly,

(d) that the registration was obtained fraudulently,

(e) that the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove that he is the owner of a concurrent registration of his mark in the United States Patent Office covering an area including this state, the registration hereunder shall not be cancelled.

(5) When a court of competent jurisdiction shall order cancellation of a registration on any ground.

Section 10. A single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

Section 11. Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the Secretary of State under the provisions hereof, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

Section 12. Any person who shall (a) use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this Act in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source or origin of such goods or services; or

(b) reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of such goods or services; shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in Section 13 hereof, except that under subsection (b) hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

Section 13. (1) Any owner of a mark registered under this Act may proceed by suit to enjoin the manufacture, use, display

or sale of any counterfeits or imitations thereof and any court of competent jurisdiction shall grant injunctions to restrain such manufacturer, use, display or sale as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

(2) The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

Section 14. Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

Section 15. Sections 365.120, 365.130, 365.140, 365.150. 365.160, 365.170, 365.180, 365.190 and subsections (5) and (6) of Section 365.990 of the Kentucky Revised Statutes are repealed.

Section 16. This Act shall be in force and take effect July 1, 1966, provided that as to any suit, proceeding or appeal, and for that purpose only, pending at the time this Act takes effect such repeals as are provided by Section 15 of this Act, or any other provisions of this Act contrary to the law in existence at such time, shall be deemed not to be effective until final determination of said pending suit, proceeding or appeals.

The Committee on Drainage and Water Districts reported **HB 377** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 377**, AN ACT relating to water districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 74.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A water district shall be administered by a board of commissioners which shall control and manage the affairs of the district. The term of each commissioner shall be four years, except as provided herein.

(a) If a district lies wholly within a single county, *or operates as a single county district as provided in subsection (c) of this section,* the board of commissioners shall consist of three residents of the district, *or of any incorporated or unincorporated area served by the district in the county in which the district was originally established,* who shall be appointed by the county judge. Initial appointments shall be for terms of two, three and four years, as designated by the court. Commissioners serving under appointments [on March 22, 1962] *on the effective date of this Act* shall continue to serve until the end of their respective terms.

(b) *Except as provided in subsection (c) of this section,* if a district formed in a single county extends its area to include territory in an adjacent county as provided by KRS 74.115, the board of commissioners shall consist of five residents of the district, three of whom shall be appointed by the county judge of the county having the greater population within the boundaries of the district, and two of whom shall be appointed by the county judge of the remaining cunty. Initially upon the establishment of the extension of the district into the second county, the county judge of that county shall appoint only two commissioners, regardless of population requirements, but if the second county shall be determined to have the larger population within the district of the two counties, he shall have the authority to fill the next vacancy existing in the representation of the original county. Orders establishing the extension shall provide for the staggering of initial terms in an equitable manner.

(c) *If a single county district administered as provided in subsection (a) hereof shall acquire an existing water or gas distribution system serving an area which extends beyond the boundaries of the district into another county, it may operate the distribution system so acquired, provided the area served outside the county shall be deemed to be a minor portion of the total area served by the district, and provided the fiscal court of the county containing such minor portion of the total area shall have agreed*

*to the acquisition of the distribution system. If less than twenty-five percent of the total assets of the distribution system are located within the county outside of the boundaries of the district, it will be conclusively presumed that said district comes within the terms of this subsection.*

(2) Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only.

(3) The commission shall elect a chairman, secretary and treasurer. Each commissioner shall execute a bond, approved by the conuty court, conditioned on the faithful performance of the duties of his position.

(4) Each commissioner shall receive an annual salary of not more than [twenty-four] *thirty-six* hundred dollars, which shall be paid out of the water district fund. In the case of single-county districts, *which shall be deemed to include districts described in Subsection (1) (c) of this Section,* the salary shall be fixed by the county court; in two-county districts it shall be fixed by agreement between the two county courts. [, except that in districts governed by a board of commissioners appointed under the provisions of Section 1 (1) (c) of Senate Bill 285 (1962), each commissioner shall receive compensation in the amunt of ten dollars per diem for each meeting of the Board which he attends, but for no more than three meetings in any one month, and he shall be reimbursed for his reasonable and necessary expenses in performing authorized duties for the district.] In fixing the salary of the commissioners, the court shall take into consideration the financial condition of the district and its ability to meet its obligations as they mature.

Section 2. Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) All or any part of an incorporated city may be included in the boundaries of any existing water district or water district being newly organized, provided the governing body of such city by resolution or ordinance gives, or has given, its consent. *Said consent may be limited to water, gas or sewage service, and*

*the authority of the water district to serve the area of the incorporated city shall be limited by the exclusion of any type of service from the consent given; provided, however, that the acquisition by a water district of an existing franchise for a water, gas, or sewage distribution system within such a city, whether by purchase, assignment or otherwise, shall be deemed to constitute the consent of the city which granted the franchise in the first instance, but only for the purpose of operating the type of distribution system for which the franchise was granted.*

(2) The commission may contract with any city which is not included within the boundaries of the district for the purpose of furnishing water, [or] gas *or sewage services* to the residents of such city and may contract with any city for the purpose of obtaining water, [or] gas *or sewage services* for the use of the district. [The assignment to the commission or to the water district of any valid outstanding franchise for the distribution of water or natural, artficial, or mixed gas to the residents of any city shall constitute a contract with the city within the meaning of this section.]

(3) When the commission shall contract with any city of the first five classes in the manner prescribed in this section, such city shall be deemed a part of the district during the life of the contract, but only for the purpose of carrying out the provisions of the contract and for the purpose of permitting representation on the Board of Commissioners. Nothing herein shall impair the ownership by the contracting city of its own system, or empower the district to take any action not authorized by the contract.

Section 3. Section 74.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any county court, except in counties containing a city of the first class, upon petition of seventy-five resident freeholders of a water district [heretofore] organized under the provisions of KRS 74.010, may authorize said water district to acquire, develop, maintain, and operate a system for the distribution of natural, artificial, or mixed gas to the citizens of the county. The petition shall describe the territory intended to be

included in the area to be served and shall set out the reasons a gas distribution system is needed.

(2) When the petition is filed, the court shall give notice of the filing by publication [in three issues of a newspaper of general circulation in the county, or if there is no newspaper in the county, by posting notices in three public places in the water districts] *as provided in Chapter 424 of the Kentucky Revised Statutes.* Within thirty days after the publication of notices, any resident of the district may file objections, and the court shall set the case for hearing within ten days. If the court finds the establishment of a gas distributing system by such district reasonably necessary for the public health, convenience, and comfort of the residents, it shall make an order authorizing the establishment or acquisition of the gas distributing system.

(3) The court may in its order strike off any part of the territory that the testimony shows will not be benefited by the creation of the distribution system. If the court does not find that the gas distribution system is necessary it shall dismiss the petition. Either party may appeal to the circuit court for a retrial, and from the circuit to the Court of Appeals, as provided by law.

Section 4. A new section of the Kentucky Revised Statutes is enacted to read as follows:

The authority of a water district to establish water and gas distribution systems, and sewage treatment and disposal systems, having been recognized and established, it shall be the function of the board of commissioners of the water district to determine when, and in what order, each of these functions shall be commenced, and the operation of one type of system shall not be a prerequisite for the operation of another type of system.

The Committee on Municipalities reported **HB 402, HB 433, HB 438** and **HB 443** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 402,** AN ACT relating to annexation of territory or reduction of boundaries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 81.270 is amended to read:

(1) If a judgment of the circuit court is adverse to annexation or reduction by a city of *the first, fifth or sixth* [any] class, no further attempt to annex or strike off the territory concerned shall be made within two years after rendition of the judgment. *If a proposal by a city of the second, third or fourth class to annex territory or reduce its boundaries is rejected by the voters, no further attempt to annex or strike off the territory concerned shall be made within two years from the date of rejection, nor shall the question be again submitted within that period.*

(2) If a proposal by a city of the first class to annex all or any part of a smaller city, or a proposal by a city of the second class to annex a city of the second, third or fourth class, is rejected by the voters of the city or part of city proposed to be annexed, no further steps to annex the same city or part of city shall be taken within five years from the date of rejection, nor shall the question of annexation be again submitted within that period.

Section 2. Any second, third or fourth class city may annex unincorporated territory or reduce the boundaries of the city if the city legislative body enacts an ordinance defining accurately the boundary of the territory proposed to be annexed or stricken off. In a second class city the ordinance shall be published in the official newspaper of the city. In a third class city if there is no newspaper published in the city, the ordinance shall be published in at least four issues of a weekly paper published in and having the largest circulation in the city. If there is no daily or weekly newspaper published in the city, copies of the ordinance shall be posted for at least ten days in four of the most public places in the city. In a fourth class city, if there is no newspaper published in the city or county, the ordinance shall be advertised by handbills posted for at least fifteen days at four or more public places in the city, and at the same number of the most public places within the territory proposed to be annexed or stricken off.

Section 3. (1) The question of annexation or reduction of territory shall be submitted to the resident freeholders of the

territory proposed to be annexed or reduced at the next regular election after sixty days have elapsed from passage of the ordinance proposing annexation or reduction.

(2) The election shall be supervised by the county board of election commissioners. The city desiring to annex territory or reduce its boundaries shall pay all expenses pertaining to the submission of the question to the voters.

(3) The question shall be placed on separate ballots. The question of annexation shall read: "Are you in favor of being annexed to the City of _____?" Opposite the question shall be printed "Yes" and "No," with squares for stamping the cross mark to indicate preference. If the question is reduction of the boundaries of the city, it shall read: "Are you in favor of reducing the boundaries of the City of _____?" Opposite the question shall be printed "Yes" and "No," with squares for stamping the cross mark to indicate preference.

Section 4. (1) If one-half or more of those voting on the proposition vote in favor of annexation or reduction, the legislative body of the city proposing to annex or reduce may enact another ordinance annexing to or striking from the city the territory described in the ordinance proposing annexation or reduction. Upon the enactment of this ordinance, the territory shall become part of the city, or be stricken from the city.

(2) If less than one-half of those voting on the proposition vote in favor of annexation or reduction, the ordinance proposing annexation or reduction shall become ineffectual for any purpose.

Section 5. KRS 81.140, 81.190, 81.210 and 81.220 are repealed.

**HB 433,** AN ACT relating to the sale of municipal waterworks systems of cities to water districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 96.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 96.171 to 96.188, inclusive, no city of the second, third, fourth, fifth or sixth class that owns a waterworks system or lighting system by gas or electricity, shall sell, convey, lease or encumber the system or the income therefrom without the assent of a majority of the total number of legal voters of the city voting at an election held for that purpose, after sixty consecutive days' notice of the election next before the date of the election has been published in the newspaper having the largest circulation in the city. If, in the case of a city of the fourth, fifth or sixth class, no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election.

(2) In the case of a city of the fourth, fifth or sixth class the election shall be ordered and the election officers shall be selected by the city legislative body, the ballots shall be provided by the city clerk and a tabulation of the vote shall be done by the city legislative body in the presence of the mayor; in all other respects the election shall be conducted under the regular election laws.

(3) This section shall not apply to the issuance of revenue bonds under the provisions of KRS 96.350 to 96.520, *inclusive, nor shall this section apply to the sale to a water district of a municipal waterworks system of a city which is now or may hereafter become a part of such water district, and such waterworks system may be sold to such a water district upon such terms and in such manner as the governing body of such city may determine to be for the best interest of the city without the necessity of any advertisement or competitive bidding on the sale of such waterworks system.*

Section 2. An emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

**HB 438,** AN ACT providing for an electrical code.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The provisions of this Act shall apply to all low voltage circuits and equipment, all installations of electrical conductors, wiring, conduits, fixtures, devices, appliances or other electrical equipment or materials, hereinafter defined as "electrical wiring" within or on public or private buildings, structures, or premises, except as hereinafter provided:

(1) The provisions of this Act shall not apply to the installation, alteration or repair of electrical current up to and including the meters, where such work is an integral part of the system owned and operated by an electrical public service corporation, or the light and power department of any city in this state, in rendering its duly authorized service as such.

(2) The provisions of this Act shall not apply to the installation, alteration or repair of electrical equipment and devices for the operation of signals or the transmission of intelligence, where such work is an integral part of the communication system owned and operated by a telephone or telegraph company in renedring its duly authorized service as such, or to the signal or communication systems of railroad and pipeline companies not used by the public or for hire.

(3) The provisions of this Act shall not apply to the installation of electrical wiring, to railroad facilities or equipment, railway cars or to automotive electrical equipment.

(4) The provisions of this Act shall not apply to the installation, alteration or repair of electrical equipment used for radio transmission in broadcasting or transmitting stations.

Section 2. As used in this Act unless the context otherwise requires:

(A) "Electrical contractor" means any person, firm, partnership or corporation engaged in the business of, or holding themselves out to the public as being engaged in the business of installing or repairing, or contracting to install or repair any electrical wiring, conduits, devices, fixtures, equipment, or other electrical materials for carrying, using or consuming electrical energy for which a permit is required by Section 11.

(B) "Journeyman Electrician" means every person doing

work of installing, repairing or maintaining any electrical wiring or equipment subject to the provisions of this act.

(C) "Apprentice Electrician" means all persons who are legally indentured under the Kentucky State Electrical Apprenticeship Training Program. "Apprentice Electrician" shall further mean a person engaged in the practical installation or alteration of electrical wiring who has not yet qualified to be eligible for an independent electrical contractor or electrical journeyman license. The work of an apprentice shall at all times be under the direct supervision of a person holding a license as defined above. To assure proper supervision, all persons holding license shall have not more than one (1) apprentice working under him at any time. This classification requires an apprentice registration card.

(D) "Electrical wiring" means the installation or repair of electrical wiring, appliances, apparatus or any electrical device.

(E) "Board" means the electrical administrative board provided for by this Act.

Section 3. There is hereby created the electrical administrative board of the Commonwealth of Kentucky, which shall consist of five members appointed by the Governor and shall include one representative of an electrical public service corporation operating in the Commonwealth of Kentucky, one representative of persons, firms, partnerships or corporations engaged in the business of electrical contractor, one representative of a nationally recognized journeymen electrical workers organization, one representative who is a graduate electrical engineer, and one person who is an electrical inspector for an incorporated municipality of this State. Each member of the board shall be a citizen of the United States and a resident of this State for a period of at least five years, except the first board appointed when one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The term that each appointee shall serve shall be designated by the Governor in making the appointments. Any member may for cause, after a hearing, be removed from office by the Governor.

Members of the board shall be allowed twenty-five dollars per day for each day of attendance at board meetings, and in addition thereto, shall be reimbursed for all legitimate expenses incurred in attending such meetings, but they shall not receive per diem allowance for more than sixty days during any fiscal year. All per diem and other expenses incurred herein shall be paid from the "electrical administrative fund" provided for in this act.

Section 4. The board shall hold meetings quarterly and may hold special meetings at the call of the chairman. It shall be the duty of the board to administer and enforce the provisions of this act and all orders of the board issued in conformity to this act; to adopt and issue necessary orders, rules and regulations for the enforcement of the provisions of this act; to examine all applicants for licenses and certificates of qualification and to grant licenses and certificates to all such applicants who show the proper qulifications and who have paid the prescribed fees, to revoke or suspend any license or certificate on the grounds set forth in Section 16 of this act, and to take such other action as the board may find necessary for carrying out the provisions of this act.

The board may delegate to the electrical engineer of the board the power to conduct examinations and to grant licenses and certificates. Three members of the board present at any meeting shall constitute a quorum for the transaction of business, but any action taken at any meeting shall require the affirmative vote of at least three members.

The board shall issue orders prescribing the minimum standards for the installation of electrical wiring, which orders shall embody the requirements prescribed by the National Electrical Code as approved by the American Standards Association and the National Electrical Safety Code as approved by the American Standards Association, but the board may by order prescribe standards higher than those prescribed by said codes.

All orders, rules and regulations issued by the board shall be printed and shall be distributed to all deputy state electrical inspectors and municipal electrical inspectors in the Commonwealth of Kentucky. Said orders, rules and regulations shall

take effect on a date fixed by the board therein, which shall not be less than thirty days after their adoption by the board. All such orders, rules and regulations shall also be available for general distribution at the office of the board.

Section 5. The board shall appoint a qualified person who shall act as electrical engineer for the board. Any person so appointed shall be a citizen of the United States and a resident of this State for a period of not less than five years immediately preceding the time of his appointment and shall be a competent electrician of good moral character, and shall have had at least ten years practical experience at the trade. A degree from an accredited school of electrical engineering shall be considered as two years practical experience. He shall be well versed in the fundamentals of electricity, the approved method of design and installation of interior electrical wiring systems for light, heat and power, and other electrical installations and constructions for safety to life and property.

It shall be the duty of the electrical engineer, under the direction of the board, to administer and enforce the provisions of this act and the orders, rules and regulations issued by the board, and to supervise the work of all deputy state electrical inspectors and to perform such other duties as are assigned to him by the board. He may hold membership in the National Fire Protective Association and the International Association of Electrical Inspectors, and, with the consent of the board, may serve on any electrical committee of these associations to which he may be appointed and shall be allowed all necessary expenses in connection with such activities.

The electrical engineer shall file with the Secretary of State of the State of Kentucky a bond in the amount of five thousand dollars, said bond to be approved by the Secretary of State and conditioned upon the faithful performance of his duties. He shall be removed from office for cause, only, after a full hearing by the board, at which he shall be entitled to appear and produce evidence in his behalf. He shall receive a salary in an amount to be fixed by the board subject to approval by the Governor.

Section 6. The board is hereby authorized to appoint such

full time deputy state electrical inspectors, with the same qualifications required by the electrical engineer, as may be necessary to enforce the provisions of this act, at a salary to be fixed by the board subject to approval by the Governor.

The electrical inspector of any municipality who has qualifications satisfactory to the board may be appointed as a part-time deputy state electrical inspector with the consent and approval of the governing body of such municipality. Any municipal inspector so appointed shall inspect electrical wiring within the limits or area specified by the board. In the performance of such duties they shall work under the direction and report to the electrical engineer of the board, and the board is authorized to compensate such inspectors on a percentage of the fees for permits issued for installations made outside of such municipalities.

Section 7. The electrical engineer and every municipal and deputy state electrical inspector shall have the right, during reasonable hours, to enter any building or go upon any premises in the discharge of their official duties, for the purpose of making any inspection, reinspection or test of the electrical wiring, devices, appliances and equipment, and shall have the authority to cut or disconnect, or to have cut or disconnected in cases of emergency, any wire or connection or device when necessary for safety to life or property, or where such wiring may interfere with the work of a fire department. Said electrical engineer and every municipal and deputy state electrical inspector having jurisdiction is hereby authorized to disconnect, or order the discontinuance of electrical service to any wire, device, appliance or euipment found to be dangerous to life or property because they are defective or defectively installed until such wiring, devices, appliances or equipment and their installation shall have been made safe and approved by said electrical engineer, municipal or deputy state electrical inspector. The rights and powers granted by this section to any municipal inspector shall be in effect only in the localities where he is auhorized to make inspection.

Section 8. (1) No person, firm, partnership or corporation shall engage in the business of electrical contractor in polit-

ical subdivisions to which this act applies, unless such person, firm, partnership or corporation shall have received a license from the board as such. Each application for an electrical contractor's license shall be made in writing on forms prescribed and furnished by the board, stating the names and places of business of the applicant, the name of the representative of the applicant that will supervise the work to be done under the license, and shall be acocmpanied by the prescribed examination fee. The designated representative of each applicant shall be examined by the board to determine his knowledge of the orders, rules and regulations governing the installation of electrical wiring issued under authority of this act. Each license issued in accordance with the provisions of this act shall state the name of the person, firm, partnership or corporation licensed, who shall be known as the holder of the license, and shall also state the name of the person who has passed the examination and is designated as supervisor of the work to be done under the license. The person designated as supervisor may be a person in the employ of the holder of the license; or, if the holder is a person, may be the holder himself; or, if the holder is a corporation, may be an officer of the corporation. The same person shall not be designated as supervisor in more than one electrical contractor's license issued to different persons, firms, partnerships or corporations. In the event the business association of the supervisor shall terminate with any electrical contractor granted a license by this subsection, the holder of such license shall immediately notify the board of such termination and the license shall become null and void within sixty days after such termination, unless another supervisor is qualified in accordance with the above requirements. Before any license shall be granted, or any expiring license renewed, the applicant shall pay to the board a fee in the amount specified herein, and shall also file with the electrical administration board of the Commonwealth of Kentucky an indemnity bond in favor of the people of the Commonwealth of Kentucky in the sum of five thousand dollars. The bond is to be conditioned upon the faithful performance of all work entered upon or contracted for by any licensed electrical contractor. Any action may be maintained on the bond by any person injured or damaged through the want of skill

or the use of unsuitable or improper material in the performance of any work contracted for or undertaken by the licensee.

(2) No person shall engage in the occupation of journeyman electrician in any political subdivision to which this act applies unless such person shall be granted a license as a journeyman electrician. Such person shall be examined by the board as to his knowledge of the orders, rules and regulations governing the installation of electrical wiring issued under authority of this act in conformity with recognized standards. Each application for a journeyman electricians license shall be made in writing on forms prescribed and furnished by the board and shall contain statements made under oath showing the applicant's record of experience as a journeyman electrician, and shall be accompanied by the examination fee prescribed herein.

(3) All licenses issued pursuant to this Act may be classified by the board to meet such qualifications demonstrated by the applicant, according to the rules and regulations of electrical standards which may be promulgated by the board.

Fees not to exceed fifty dollars for any examination or license to be fixed by the board, shall be collected by the board before conducting any examination or granting a license to any applicant hereunder, in accordance with the provisions of this act.

All licenses issued under the provisions of this act shall expire on July first of each year. Applications for renewal of a current license accompanied by the same fees required for an original license, before the expiration date, shall authorize operation as an electrical contractor or journeyman electrician by such licensee until actual issuance of such renewal license for the ensuing year. All applications for renewal of licenses shall be filed with the state electrical administrative board not later than July thirty-first of each year; otherwise such licenses shall be automatically suspended, and shall be renewable thereafter only on the payment of the examination fee and upon re-examination under the provisions of this act. However, the board may waive re-examination in its discretion.

Journeyman electricians who can prove a minimum of five

years experience at the trade are exempt from examination and may obtain an annual license upon payment of the regular fee.

No license issued under this act shall be transferable.

Section 9. Except as provided in Section 1, all electrical wiring installed or used shall be in conformity with the statutes of Kentucky, the orders, rules and regulations issued by the board and with approved electrical standards for safety to life and property. Unless by a statute of Kentucky or by an applicable ordinance, rule or regulation of any political subdivision of Kentucky, a specific type or class of electrical wiring is disapproved for installation and use, conformity with the standards of the Underwriters Laboratories, Inc., as approved by the American Standards Association, shall be prima facie evidence of conformity with approved standards.

Section 10. Before any electrical wiring shall be installed within or on any building, structure or premises, publicly or privately owned, or before any alteration or addition be made in any such existing installation, a permit therefor shall be secured from the electrical inspector in whose jurisdiction such installation, alteration or addition is to be made, except as provided in Section 1. However, no permit shall be required to execute any of the following classes of work:

(A) Minor repair work, the replacement of lamps or the connection of portable electrical equipment to suitable receptacles which have been permanently installed.

(b) The installation of temporary wiring for testing electrical equipment or apparatus.

(c) The installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence by wire.

Application for such permit, describing the work to be done, shall be made to the electrical inspector by the person, firm, partnership or corporation installing same. Specifications and plans necessary to determine if the installation as described will be in conformity with the requirements of the statutes of the State of Kentucky, the orders, rules and regulations of the

board and all applicable local ordinances and regulations shall accompany the application. If it shall be found that the installation will conform with all legal requirements, a permit for such installation shall be issued.

No deviation shall be made from the installation described in the permit without the written approval of the electrical inspector who has jurisdiction.

The board shall have the authority to fix reasonable fees for permits outside the corporate limits of any municipality and within municipalities where the inspection is done exclusively by full-time deputy state electrical inspectors. Any incorporated municipality which has provided for electrical inspection in accordance with the provisions of this Act may establish a schedule of fees which shall be paid by the applicant for a permit before such permit shall be issued. The board shall provide a procedure for the issuance of permits required by this section outside the corporate limits of any municipality where the inspection is done by the electrical inspector of such municipality under authority of the board.

Section 11. In lieu of an individual permit for each installation, alteration, or addition of electrical wiring, an annual permit shall upon application therefor, be issued to any person, firm or corporation regularly employing one or more journeymen electricians for the installation, alteration or maintenance of electrical wiring and equipment on premises owned or occupied by the applicant for such permit. The application for such permit shall be made in writing to the electrical inspector in whose jurisdiction the work is to be done. Any person, firm or corporation to which an annual permit is issued shall keep a record of all electrical work done under such permit and the electrical engineer of the board or any deputy state electrical inspector shall have access to such record. A fee of twenty-five dollars shall be paid for each annual permit at the time of issuance which shall expire one year from the date of issuance. Schedule fees shall be collected in addition for electrical wiring inspected at the time of each regular inspection as provided in Section 13 of this Act.

Section 12. Upon the completion of any installation of

electrical wiring which has been made under permit, other than an annual permit, it shall be the duty of the person, firm, partnership or corporation installing it to notify the electrical inspector having jurisdiction who shall inspect the work within a reasonable time.

Where the inspector finds the installation to be in conformity with orders, rules and regulations of the board and all ordinances applying to the installation, he shall issue to the person, firm, partnership or corporation that made the installation a certificate of approval, authorizing the use of it and that it may be connected to the supply of electricity, and shall send written notice of such authorization to the agency which supplies the electric current.

When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein, and shall be revocable by the electrical inspector issuing same at any time for cause.

At regular intervals, the electrical inspector having jurisdiction shall visit all buildings and premises where work may be done under annual permits and shall inspect all electrical wiring installed under such permits since the date of his last previous inspection. The electrical inspector shall issue a certificate of approval for such work as is found to be in conformity with the orders, rules and regulations of the board, after payment of any required fees.

If, upon inspection, any installation is found not to be fully in conformity with the provisions of this act or the orders, rules and regulations of the board, the electrical inspector making the inspection shall at once forward to the person, firm, partnership or corporation making the installation a written notice stating the defects that have been found to exist with orders to correct these defects at once.

Section 13. Except where work is done under an annual permit and except as otherwise provided in this section, it shall be unlawful for any person, firm or corporation to make connection from a supply of electricity or to supply electricity to

any electrical wiring for the installation of which a permit is required, or which has been disconnected or ordered to be disconnected by the electrical inspector having jurisdiction, without the authorization of the electrical inspector having jurisdiction.

If within seven days after the inspector is notified of the completion of an installation of electrical wiring, he has neither authorized connection nor disapproved the installation, or if an installation of electrical wiring is not located in any territory where an electrical inspector has been authorized to make inspection, the supplying agency is authorized to make connections and supply electricity to such installation upon receipt of a written statement made by the person, firm, partnership or corporation installing the electrical wiring declaring that the installation is in conformity with the provisions of this Act and the orders, rules and regulations of the board, and the supplying agency shall immediately report to the board the receipt of such statement. If it shall be found that any declaration made in such statement is contrary to the facts, the board shall require the person, firm, partnership or corporation making the statement to rectify the defects within five days after receipt of written notice thereof from the board.

Section 14. No person shall be employed by any municipality in this State as electrical inspector without having first secured from the board an electrical inspector's certificate of qualification, except that any person who on the date this Act becomes effective is serving as a legally appointed municipal electrical inspector shall, upon application and payment of the prescribed fees, be issued a certificate of qualification without examination.

Except as provided above, in order to obtain an electrical inspector's certificate of qualification, the applicant shall be a competent electrician of good moral character, shall be possessed of such executive ability as is requisite for the performance of his duties, shall have a thorough knowledge of the required standards of both materials and methods used in the installation of electrical wiring and equipment, shall have had at least eight years experience as an electrical inspector or in the installation

of electrical wiring, or in lieu of such eight years experience, shall be a graduate of some recognized engineering school and shall have had at least six years experience as an electrical inspector or electrician, and shall pass a written examination given by the board.

Before an electrical inspector's certificate of qualification shall be issued to any applicant, he shall pay to the board a fee of five dollars. Each certificate of qualification shall continue in force one year from date of issuance unless sooner revoked by the board for cause after a hearing, and shall be renewed for a period of one year from the date of expiration upon payment of a fee of one dollar. No certificate of qualification shall be asignable or transferable.

Section 15. Any electrical contractor's license, journeyman electrician's license, or any electrical inspector's certificate of qualification issued in accordance with the provisions of this Act may, after hearing by the board, be suspended for a definite length of time, or revoked by the board, if the holder of any such license or certificate shall wilfully or by reason of incompetence violate any statute relating to the installation, alteration, maintenance of repairs of electrical wiring as defined in this Act.

Section 16. Any person, firm, partnership or corporation may register an appeal with the board for a review of any decision of the electrical engineer of the board if the appeal is made in writing within fifteen days after the notice of such decision has been received by the complainant. Upon receipt of an appeal, the board shall proceed to determine if the action complained of was in conformity with the provisions of this Act and the orders, rules and regulations issued by the board hereunder, and within fifteen days after its next regular or special meeting, shall render a decision in accordance with its findings.

Appeals from the decision of the board shall be made to the Circuit Court of Franklin County by the party aggrieved within thirty days after the decision of the board has been received by the complainant. The suit shall be filed against the board as defendant, and service of process may be had upon

the chairman or the electrical engineer of the board. The burden of proof shall be on the appellant.

Section 17. Records of the meetings of the board shall be open for inspection at all times. The board shall keep a record of all licenses and certificates of qualification issued by it and shall have printed a manual of its rules and regulations for the conduct of examinations.

Section 18. The board shall deposit all fees received by it with the State Treasurer who shall keep such money in a separate fund, to be known as the "Electrical Administrative Fund," and the moneys so deposited in said special fund are hereby appropriated for the purpose of paying the expenses of the board in administering this Act. The sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of the funds in the hands of the State Treasurer, not otherwise appropriated, for the purpose of defraying any expense that may be incurred by the board in the administration of this Act before sufficient funds have been collected from fees as herein provided. Fifty per cent of all fees collected by the board shall be paid into the general fund until the temporary appropriation of five thousand dollars appropriated has been repaid.

Should there be an unexpected balance in the electrical administrative fund at the end of any fiscal year, an estimate shall be made by the board of the approximate amount that will be collected the succeeding year, and the excess above the amount shall be transferred by the State Treasurer to the general fund of the State.

Section 19. Any person, firm, partnership or corporation who violates any provision of this Act, or who violates any order of the board issued in conformity to the provisions of this Act, or who shall fail or refuse to comply with the provisions of this Act or any part thereof, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be subject to a fine of not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment not to exceed sixty days, or by both.

Section 20. This Act does not apply to any dealer in goods, wares and merchandise who sells and disposes of electrical equip-

ment such as refrigerators, washing machines, electric radios, vacuum cleaners, and other articles which from time to time require servicing or minor repairs for suitable maintenance.

Section 21. If any provision, clause or phrase of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be separable.

Section 22. All acts or parts of acts in conflict with the provisions of this Act are repealed.

**HB 443,** AN ACT providing for payment for the removal and relocation of facilities owned by a municipality or a municipally-owned utility.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Whenever the Department of Highways shall determine that it is necessary that any fireplugs, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances, belonging to any municipality or a municipally-owned utility, must be removed or relocated on, along, over or under a highway, in order to construct, relocate or improve any such highway that is wholly or partially financed by funds provided by the United States, or, to accommodate construction, relocation or improvement of a road or highway which was not part of the state highway system when the above described structures were installed, the municipality or the municipally-owned utility shall relocate or remove same in accordance with the order of the Department of Highways; and the costs and expenses of such relocation or removal, including the costs of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interest in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Department of Highways as a part of the costs of improving or constructing such highways.

The Committee on Motor Transportation reported **HB 461**

with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 461,** AN ACT relating to vehicles on public highways.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 189.060 is amended to read:

(1) Each vehicle towed by a towline shall display the lights required on vehicles of the class to which it belongs.

(2) Each vehicle being hauled by another and connected to it in a manner that will keep them uniformly spaced shall carry at least one light on the left side in such a manner as to show a green light to the front and a red light to the rear visible at least five hundred feet away.

(3) When any part of a load projects more than five feet beyond a vehicle a red flag by day and a red light during the period provided in KRS 189.030 must be placed upon the extremity of the projection.

*(4) Each farm tractor and other instrument of husbandry operated on a public highway shall carry a red flag at least twelve feet above the surface of the highway.*

**Orders of the Day**

**HB 151** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 55—Allen, Arnett, Barber, Bicknell, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chapman, Chaudoin, Clark, Cox, Eicher, Floyd, Hale, Harris, Henry, Hinkle, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jordan, Kelly, Kessinger, Lassiter, Leeds, Martin, McBrayer, McNamara, John D. Miller, Peniston, Pettit, Pile, W. J. Reynolds, Roberts, Sartin, Secrest, Short, Smith, Smothers, Straney, Tucker, Vanover, Wallace, Watkins, Webster, Whitlock, Wright, Young. Nays 3—Clapp, King, Morgan.

**HB 151** was passed and the title agreed to.

## Report on Enrolled Bills

The Committee on Enrollment reported **SR 7** and **SR 6** had been examined and found correctly enrolled. **SR 7** and **SR 6** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day (Cont'd.)

**HB 90** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 33—Allen, Arnett, Barber, Blume, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Chapman, Cox, Criscillis, Hale, Harris, Henry, Hoffman, Irick, Keene, Kelly, Kessinger, Lassiter, Leeds, Martin, McBrayer, Ostertag, Peniston, Pettit, Russell Reynolds, Roberts, Siemens, Smothers, Straney, Tucker, Watkins. Nays 38—Ball, Bicknell, Blythe, Buky, Carroll, Clapp, Clark, DeMarcus, Eicher, Floyd, Harper, Hinkle, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., Jordan, King, Maddox, McCowan, McNamara, John D. Miller, Morgan, Murphy, Peace, Pile, Riddle, Russell, Sartin, Short, Smith, Vanover, Wallace, Warders, Webster, Wells, Whitlock, Wright.

**HB 90** was defeated.

**HB 255** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the following Amendment to **HB 255**:

Amend printed copy of House Bill 255 on page 10, line 13, by:

by striking out the period (.) at the end of said line and inserting at the end of said line the following:

"and shall be deemed to be the articles of incorporation of the corporation for all purposes and may be thereafter amended

to the same extent and in the same manner as any original articles of incorporation may be."

Agreed.

On the roll call the vote was yeas 69—Allen, Arnett, Barber, Bates, Blume, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chapman, Cox, Criscillis, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoffman, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Majors, Martin, McBrayer, McNamara, John D. Miller, Morgan, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Tucker, Vanover, Wallace, Watkins, Webster, Wheeler, Whitlock, Wright, Young. Nays 2—Bicknell, Dempsey.

**HB 255** as amended was passed and the title agreed to.

**HB 263** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Allen, Arnett, Ball, Barber, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, John Y. Brown, Bruce, Buky, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Eicher, Floyd, Hale, Hardin, Harper, Harris, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, John D. Miller, Morgan, Murphy, Ostertag, Overman, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 4—Bates, Henry, Keene, Peniston.

**HB 263** was passed and the title agreed to.

Representative John Y. Brown moved that **HB 286** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Vanover moved that **HB 286** be recommitted to the Committee on Courts and Legal Procedure. Agreed.

**HB 303** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the following Amendment No. 1 to **HB 303**:

Amend printed copy of House Bill 303 on page 5, line 24, and on page 7, line 12, by adding after the word "supervision".

*", provided, however, that an architect may include as a part of his own drawings or other professional documents those which have been prepared by a licensed professional engineer when the architect has examined, adopted and approved such drawings or other professional documents as a part of the over-all services for which the architect accepts or has accepted responsibility."*

Agreed.

Representative Pettit moved the adoption of the following Amendment No. 2 to **HB 303**:

Amend printed copy of House Bill 303 on page 9, lines 7-20, by:

striking lines 7 through 20 in their entirety.

Agreed.

Representative Dempsey moved that **HB 303** be laid on the table.

On the roll call the vote was yeas 28—Ball, Bartley, Bicknell, Archie Brown, Bruce, Clapp, Clark, Floyd, Hale, Harris, Hinkle, Hislope, Hoe, Jones, Kessinger, Martin, Clarence R. Miller, Morgan, Ostertag, Peace, Russell, Secrest, Smothers, Vanover, Warders, Whitlock, Wright, Young. Nays 43 – Allen, Arnett, Barber, Bates, Blume, Bondurant, Bourne, John Y. Brown, Buky, Carroll, Chapman, Chaudoin, Cox, Criscillis, DeMarcus, Dempsey, Denham, Henry, Hoffman, Howard P. Hunt, Jr., Irick, Isler, Keene, Kelly, King, Leeds, McBrayer, McCowan, John D. Miller, Osborn, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Jr., Roberts, Sartin, Siemens, Smith, Tucker, Wallace, Watkins.

The motion that **HB 303** be laid on the table was rejected.

On the roll call the vote was yeas 34—Barber, Bates, Blume, Bondurant, Bourne, John Y. Brown, Carroll, Chapman, Chaudoin, Criscillis, DeMarcus, Howard P. Hunt, Jr., Irick, Johnson, Jordan, Kelly, King, Leeds, Majors, McNamara, Murphy, Osborn, Overman, Pettit, Pile, W. J. Reynolds, Roberts, Short, Siemens, Smith, Tucker, Watkins, Webster, White. Nays 46—Arnett, Ball, Bartley, Bicknell, Blythe, Archie Brown, E. G. Brown, Bruce, Buky, Clapp, Clark, Cox, Dempsey, Denham, Floyd, Hale, Hardin, Henry, Hinkle, Hislope, Hoe, Hoffman, Jones, Keene, Kessinger, Lassiter, Maddox, McBrayer, McCowan, Clarence R. Miller, John D. Miller, Ostertag, Peace, Peniston, Russell, Sartin, Secrest, Smothers, Straney, Stuart, Vanover, Wallace, Warders, Wells, Whitlock, Wright.

**HB 303** as amended was defeated.

**HB 342** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 89—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 342** was passed and the title agreed to.

**HB 343** taken from orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83—Allen, Arnett, Ball, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Roberts, Russell, Sartin, Short, Siemens, Smith, Smothers, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wheeler, White, Whitlock, Wright, Young. Nays 2 — Russell Reynolds, W. J. Reynolds, Jr.

**HB 343** was passed and the title agreed to.

**HB 227** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 93—Allen, Arnett, Ball, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 227** was passed and the title agreed to.

**HB 120** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved the adoption of the following amendment to **HB 120**:

Amend printed copy of House Bill 120 on page 2, line 7, by: adding at the end of line 7 the following:

*"This section shall not apply and no dissolution shall be made until such time as all legal obligations of the joint Riverport Authority shall be satisfied and all existing commitments fulfilled."*

Agreed.

On the roll call the vote was yeas 88—Allen, Arnett, Ball, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Majors, Martin, McBrayer, McCowan, McNamara, John D. Miller, Morgan, Murphy, Osborn, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 120** as amended was passed and the title agreed to.

Representative John Y. Brown moved that **HB 160** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Hardin moved that **HB 160** be recommitted to the Committee on Municipalities. Agreed.

**HB 196**, with Committee amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by

title only and placed upon its passage. Agreed by a majority of members elected.

Representative Sheehan moved the adoption of the Committee Amendment No. 1 to **HB 196.** Agreed.

On the roll call the vote was yeas 79—Allen, Arnett, Ball, Barber, Bates, Bicknell, Billings, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McCowan, McNamara, John D. Miller, Morgan, Murphy, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Stuart, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 196** was passed and the title agreed to.

**HB 272** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76—Allen, Arnett, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, John Y. Brown, Bruce, Buky, Caldwell, Chaudoin, Clapp, Cox, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Howard P. Hunt, Jr., Irick, Isler, Jones, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Smith, Smothers, Straney, Stuart, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 4—DeMarcus, Kessinger, McCowan, Siemens.

**HB 272** was passed and the title agreed to.

Representative Morgan moved that all Senate Bills in

Orders of the Day be deferred and that they retain their positions until all House Bills are processed.

On the roll call the vote was yeas 40—Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Bondurant, Bruce, Caldwell, Carroll, Chaudoin, Clapp, Dempsey, Harris, Henry, Hislope, Hoe, Hopkins, Howard P. Hunt, Jr., Jordan, Keene, Maddox, McCowan, McIntyre, Morgan, Russell Reynolds, Riddle, Sartin, Secrest, Sheehan, Siemens, Smith, Straney, Tucker, Warders, Wells, White, Whitlock, Young. Nays 39—Arnett, Blythe, Bourne, John Y. Brown, Buky, Chapman, Cox, Criscillis, Denham, Eicher, Floyd, Hale, Hardin, Harper, Hinkle, Hoffman, Irick, Isler, Jones, Kelly, Leeds, McBrayer, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Jr., Roberts, Russell, Smothers, Watkins, Webster, Wheeler, Wright.

The motion that all Senate Bills in Orders of the Day be deferred and that they retain their positions until all House Bills are processed was adopted.

**HB 181** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Blume, Bondurant, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Riddle, Roberts, Sartin, Sheehan, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, White, Whitlock, Young. Nays 6—Dempsey, W. J. Reynolds, Jr., Secrest, Short, Smith Wheeler.

**HB 181** was passed and the title agreed to.

**HB 6** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92—Allen, Arnett, Ball, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman; Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 1—Clarence R. Miller.

**HB 6** was passed and the title agreed to.

**HB 134**, with Committee amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Carroll moved the adoption of the Committee amendment No. 1 to **HB 134**. Agreed.

Representative John Y. Brown moved the Previous Question on **HB 134** as amended.

On the roll call the vote was yeas 20—Bourne, John Y. Brown, Bruce, Carroll, Clark, Criscillis, Denham, Hale, Henry, Morgan, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Smith, Smothers, Tucker, Webster, White, Young. Nays 43—Arnett, Ball, Bicknell, Billings, Blume, Blythe, Archie Brown, Caldwell, Clapp, DeMarcus, Dempsey, Floyd, Harper, Harris, Hinkle, Hoe, Irick, Johnson, Jones, Jordan, Kelly, Kessinger, Lassiter, Leeds, Maddox, Martin, McCowan, McIntyre, Clarence R. Miller, John D.

Miller, Murphy, Peace, Roberts, Russell, Sartin, Short, Stuart, Vanover, Wallace, Warders, Watkins, Wells, Wright.

The motion on the Previous Question on **HB 134** as amended was rejected.

Representative John D. Miller moved that action on **HB 134** be postponed indefinitely.

On the roll call the vote was yeas 7—Bondurant, Kelly, McBrayer, John D. Miller, Roberts, Smith, Watkins. Nays 66—Allen, Arnett, Ball, Barber, Bartley, Bicknell, Billings, Blume, Archie Brown, E. G. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Howard P. Hunt, Jr., Irick, Isler, Jones, Jordan, Keene, Kessinger, King, Lassiter, Maddox, Majors, Martin, McCowan, McIntyre, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Sheehan, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Wells, Whitlock, Wright, Young.

The motion to postpone action on **HB 134** indefinitely was rejected.

Representative DeMarcus moved the adoption of the following amendment No. 2 to **HB 134.**

Amend printed copy of House Bill 134, on page 2, line 15, by: inserting the following:

"Section 2. Whereas the operation of our court system requires adequate compensation for jurors an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor."

Rejected.

On the roll call the vote was yeas 83—Allen, Arnett, Ball, Barber, Bartley, Bicknell, Billings, Blume, Bourne, Archie Brown, Edward G. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kessinger, King, Lassiter, Maddox, Majors, Martin, McBrayer, McCowan, Mc-

Intyre, McNamara, John D. Miller, Morgan, Murphy, Overman. Peace, Peniston, Pettit, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Webster, Wells, Wheeler, White, Whitlock, Young. Nays 8—Bondurant, John Y. Brown, Kelly, Leeds, Osborn, Ostertag, Pile, Roberts.

**HB 134** as amended was passed and the title agreed to.

**HB 187** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Whitlock moved the adoption of the following amendment No. 1 to **HB 187**:

Amend printed copy of House Bill 187 on page 2, line 1, by: striking the word "actively".

Agreed.

Representative Whitlock moved the adoption of the following amendment No. 2 to **HB 187**:

Amend printed copy of House Bill 187 on page 2, line 23, by: adding:

Section 2. This Act shall become effective January 1, 1967.

and on page 1, line 1, by inserting at beginning of line 1 "Section 1."

Agreed.

Representative McCowan moved that **HB 187** be laid on the table.

On the roll call the vote was yeas 22—Arnett, Bicknell, Bourne, Archie Brown, Clark, DeMarcus, Dempsey, Denham, Eicher, Hislope, Jones, Kelly, Kessinger, McCowan, Peace, Riddle, Russell, Secrest, Wallace, Warders, Watkins, Wheeler. Nays 47—Allen, Ball, Barber, Blume, Bondurant, E. G. Brown, John Y. Brown, Buky, Carroll, Chapman, Clapp, Cox, Criscillis, Hale, Hardin, Harper, Harris, Henry, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Keene, King, Leeds, Maddox, McBrayer, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Penis-

ton, Pettit, Russell Reynolds, W. J. Reynolds, Jr., Roberts, Siemens, Smith, Smothers, Tucker, Vanover, Webster, Wells, White, Whitlock.

The motion that **HB 187** be laid on the table was rejected.

Representative Billings moved that Amendment No. 2 to **HB 187** be laid on the table.

On the roll call the vote was yeas 20—Arnett, Bicknell, Billings, Archie Brown, Clark, DeMarcus, Dempsey, Eicher, Hislope, Jones, Kelly, Kessinger, McCowan, Peace, Peniston, Riddle, Secrest, Wallace, Warders, Wheeler. Nays 52 – Allen, Ball, Barber, Blume, Bondurant, E. G. Brown, John Y. Brown, Buky, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, Hale, Hardin, Harper, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Keene, King, Leeds, Maddox, Majors, McBrayer, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Jr., Roberts, Russell, Sartin, Sheehan, Siemens, Smith, Smothers, Tucker, Vanover, Watkins, Webster, White, Whitlock, Young.

The motion that Amendment No. 2 to **HB 187** be laid on the table was rejected.

On the roll call the vote was yeas 59—Ball, Blume, Blythe, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Buky, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, Denham, Hale, Hardin, Harper, Harris, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Keene, King, Leeds, Maddox, Majors, McBrayer, McCowan, McIntyre, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Watkins, Webster, Wells, White, Whitlock, Wright, Young. Nays 29—Arnett, Barber, Bartley, Bicknell, Billings, Bourne, Archie Brown, Caldwell, DeMarcus, Dempsey, Eicher, Henry, Hinkle, Hislope, Hoe, Jones, Jordan, Kelly, Kessinger, Lassiter, Peace, Pile, Riddle, Secrest, Sheehan, Short, Wallace, Warders, Wheeler.

**HB 187** as amended was passed and the title agreed to.

**HB 256** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved

that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin moved that the House adjourn until 1:00 p.m., March 1.

On the roll call the vote was yeas 38—Arnett, Ball, Bicknell, Billings, Archie Brown, Bruce, Carroll, Chaudoin, Clark, DeMarcus, Hardin, Hinkle, Hislope, Hoffman, Hopkins, Howard P. Hunt, Jr., Johnson, Jones, Jordan, Kelly, Kessinger, King, Lassiter, Maddox, McCowan, McIntyre, McNamara, John D. Miller, Morgan, Peace, Russell, Secrest, Sheehan, Stuart, Wallace, Webster, Whitlock, Young. Nays 47—Allen, Barber, Bartley, Blume, Blythe, Bondurant, Bourne, E. G. Brown, John Y. Brown, Buky, Caldwell, Chapman, Clapp, Cox, Dempsey, Denham, Floyd, Hale, Harper, Henry, Hoe, Irick, Leeds, Majors, Martin, McBrayer, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Jr., Riddle, Roberts, Short, Siemens, Smith, Smothers, Straney, Vanover, Watkins, Wheeler, White, Wright.

The motion to adjourn was rejected.

Representative Straney moved the adoption of the following amendment to **HB 256**:

Amend printed copy of House Bill 256 on page 7, line 25, by:

adding at the end of line 25: "A motor vehicle which was manufactured prior to 1932 and which is used primarily for exhibition in shows, parades, tours and other special uses but not for general transportation is exempt from the provisions of this Act."

Agreed.

Representative Billings moved that **HB 256** be deferred and that it retain its position in Orders of the Day. Rejected.

On the roll call the vote was yeas 54—Barber, Blume, Blythe, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Buky, Chapman, Clark, Cox, Criscillis, Denham, Eicher, Hale, Hardin, Harper, Harris, Hoe, Hoffman, Irick, Jones, Keene, Leeds, Majors, Martin, McNamara, Clarence R. Miller, John D. Miller, Osborn, Ostertag, Overman, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Short,

Siemens, Smith, Straney, Stuart, Tucker, Vanover, Warders, Wheeler, White, Whitlock, Wright, Young. Nays 38—Arnett, Ball, Bartley, Bicknell, Billings, Archie Brown, Bruce, Caldwell, Carroll, Chaudoin, Clapp, DeMarcus, Dempsey, Henry, Hinkle, Hislope, Hopkins, Howard P. Hunt, Jr., Isler, Johnson, Jordan, Kelly, Kessinger, King, Lassiter, Maddox, McBrayer, McCowan, McIntyre, Murphy, Peace, Secrest, Sheehan, Smothers, Wallace, Watkins, Webster, Wells.

**HB 256** as amended was passed and the title agreed to.

**HB 290** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75—Allen, Arnett, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Denham, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, King, Lassiter, Leeds, Maddox, Majors, Martin, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheeham, Short, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Wells, Wheeler, White, Wright, Young. Nays 4—Bartley, Bicknell, Dempsey, Watkins.

**HB 290** was passed and the title agreed to.

**HB 269** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Russell moved the adoption of amendment No. 1 to **HB 269.**

Representative Denham moved that the House adjourn until 11:00 a.m., March 1, 1966.

On the roll call the vote was yeas 45—Allen, Arnett, Ball, Barber, Blume, Bondurant, Bourne, Chapman, Chaudoin, Cox, Criscillis, DeMarcus, Denham, Floyd, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Jordan, Lassiter, Maddox, Majors, McCowan, McIntyre, McNamara, Morgan, Osborn, Ostertag, Peniston, Pettit, Pile, W. J. Reynolds, Secrest, Sheehan, Smothers, Stuart, Wallace, Warders, Webster, Whitlock, Young. Nays 30—Bartley, Bicknell, Billings, Blythe, John Y. Brown, Bruce, Buky, Caldwell, Clapp, Clark, Dempsey, Hardin, Harper, Jones, Kelly, Kessinger, King, C. R. Miller, Murphy, Overman, Russell Reynolds, Riddle, Russell, Short, Vanover, Watkins, Wells, Wheeler, White, Wright.

The motion to adjourn was adopted.

## TUESDAY, MARCH 1, 1966

## FORTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker McCallum.

Prayer by the Reverend J. Carter Roberts of the Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Ballenger, Chapman, Floyd, James E. Hunt, Martin, Murphy, Pettit, Russell Reynolds, Stuart, and White.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 28, 1966, be dispensed with and the same approved. Agreed.

### Committee of the Whole

The House resolved itself into a Committee of the Whole. Speaker Pro Tempore Denham presiding.

Hearing was held on **HB 471.**

Representative Peniston moved that the Committee of the Whole be dissolved. Agreed.

The Speaker resumed the Chair and called the House to order.

### Recess

Representative John Y. Brown moved that the House recess one hour for lunch. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Senate Message

Announcing passage of **SB 161, SB 120, SB 27, SB 87, SB 129, SB 141** and **SR 42.**

**Introduction of Bills and Resolutions**

**HB 505**, by Representative Russell: AN ACT relating to finance and indebtedness for public improvements including those constituting matters of statewide concern in certain counties.

**HB 506**, by Representative Stuart: AN ACT relating to appraisers of decedents' estates.

**HB 507**, by Representative Harris: AN ACT relating to medical assistance.

**HB 508**, by Representative Stuart: AN ACT relating to city tax liens.

**HB 509**, by Representative Stuart: AN ACT relating to liens on public funds.

**HB 510**, by Representative Stuart: AN ACT relating to process agents for corporations.

**HB 511**, by Representative Wells: AN ACT relating to toll bridges and ferries.

**HB 512**, by Representatives Watkins and Stuart: AN ACT providing for the construction of industrial access roads by fiscal courts.

**HB 513**, by Representative Lassiter: AN ACT relating to claims upon the treasury.

**HB 514**, by Representative Murphy: AN ACT relating to park, playground and recreation boards of cities.

**HB 515**, by Representative Murphy: AN ACT relating to publication of financial statements.

**HB 516**, by Representative Clapp: AN ACT relating to the sales and use taxes.

**HB 517**, by Representative John Y. Brown: AN ACT relating to conveyance of real property.

**HB 518**, by Representative Keene: AN ACT relating to local option elections.

**HB 519**, by Representative Sheehan: AN ACT creating the State Dog Racing Commission and authorizing the licensing of

dog races on which the pari-mutuel system of betting shall be permitted.

**HB 520,** by Representatives Eicher, King, Kelly, Blume, Sheehan, Irick, Henry, Sartin, Brady, James E. Hunt, Criscillis, Siemens, Riddle, Martin, Wells, Bicknell, Kessinger, Archie Brown, Bartley, Ostertag, Russell, Harper, Wheeler, Wright, Hoe, Wallace, Harris, Morgan, Chaudoin, Isler, Howard Hunt, Jr., Straney, Hale, Majors, Murphy, Watkins, Overman, Ball, Bruce, Blythe, Roberts, Billings, Buky, Hinkle, McNamara, E. G. Brown, Hardin, Hopkins, Jordan, McCowan and Peace: AN ACT relating to the immunity from arrest of members of the General Assembly.

**HB 521**, by Representatives Hopkins, Irick and Wallace: AN ACT relating to barber and cosmetology schools.

**HR 101,** by Representative Lassiter: A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a study concerning the feasibility of substituting a gross income tax in place of the present real property taxes.

**Motions, Petitions, and Communications**

**HR 110**, by Representative Harirs: A RESOLUTION directing the Legislative Research Commission to study the safety of school bus passengers.

WHEREAS, there exists great concern among parents of students and the public generally as to the safety of the great number of students traveling in school busses; and

WHEREAS, a number of states now require seat belts as standard equipment in motor vehicles; and

WHEREAS, it is desirable that the safety factor of seat belts as required equipment in school busses be ascertained;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Legislative Research Commission be authorized and directed to make a study and investigation of the effectiveness

of the use of seat belts in school busses in promoting the safety of passengers in such vehicles and of the cost of installation of such belts.

Representative Harris moved the adoption of **HR 110.** Agreed.

**HR 109**, by Representative E. G. Brown: A RESOLUTION directing a study of the General Assembly's power to abolish, create, consolidate or reduce counties.

WHEREAS, Kentucky is now divided into 120 counties; and

WHEREAS, the need for such a large number of counties no longer exists; and

WHEREAS, expenses of local government would be greatly reduced and administration would be greatly facilitated by reducing the number of counties in Kentucky; and

WHEREAS, the proposed constitution, if accepted by the people, would require a referendum of the people to reduce the number of counties in Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Legislative Research Commission is directed to study the power of the General Assembly to abolish, create, consolidate or reduce counties without resort to a referendum of the people, and to report its findings, along with a draft of an Act which will meet constitutional requirements in carrying this power into effect, to the House of Representatives either at the next extraordinary session of the General Assembly after the 1966 regular session, or, if no extraordinary session is called, at the next regular session of the General Assembly.

Representative Billings moved that **HR 109** be laid on the table.

On the roll call the vote was yeas 10—Bicknell, Billings, Dempsey, Floyd, Hislope, James E. Hunt, John D. Miller, Peniston, Wells, White. Nays 25—Barber, Bates, Blume, Blythe, E. G.

Brown, John Y. Brown, Bruce, Chaudoin, Denham, Hale, Harper, Hinkle, Hoffman, Keene, Lassiter, Leeds, McIntyre, Pile, Roberts, Russell, Sheehan, Smith, Smothers, Straney, Young.

The motion that **HR 109** be laid on the table was rejected.

Representative Dempsey moved that **HR 109** be referred to the Committee on Committees. Rejected.

**HR 109** was adopted.

**HR 103**, by Representatives Eicher, James E. Hunt, Siemens, Brady, Sartin and Blume: A RESOLUTION on Social Security for Teachers.

Representative Hopkins moved that **HR 103** be referred to Committee on Committees. Agreed.

Representative Riddle moved that the Rules be suspended for Introduction of Bills. Agreed.

## Introduction of Bills and Resolutions

**HB 522**, by Representative Riddle: AN ACT relating to Congressional Districts with an emergency clause.

**HB 523**, by Representative Morgan: AN ACT relating to special education classes.

## Motions, Petitions, and Communications (Cont.)

**HR 108**, by Representative Peniston: A RESOLUTION in support of the United States Armed Forces.

WHEREAS, the Armed Forces of the United States are currently engaged in combat with the Viet Cong forces in South Vietnam in response to a request for aid from the government of South Vietnam and in protest of the violation of the treaty agreements by the government of North Vietnam; and

WHEREAS, the Armed Forces of the United States are seeking to combat the hardships and cruelties inflicted upon the helpless people of South Vietnam by the communist support Viet Cong; and

WHEREAS, our action is in keeping with our national policy both from the standpoint of self interest and from the standpoint of helping those people in the world who are unable to help themselves against aggressors; and

WHEREAS, there are citizens in the United States at home who are openly criticizing and either knowingly or unwittingly attempting to undermine this national policy of the United States government and are thereby giving aid and comfort to the enemy;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the House of Representatives of the Commonwealth of Kentucky hereby expresses its whole hearted support of the men and women in the Armed Forces of the United States in their loyal and courageous stand against evil communist forces in keeping with the historic tradition of the men and women of Kentucky in every conflict in which our country has been engaged; and, as representatives of the people of the Commonwealth of Kentucky the House of Representatives deplores the aid and comfort rendered the enemy by the public utterances and demonstrations of persons who seek to weaken the stand of our government; and the House of Representatives by this resolution hereby extends to the men and women of the Armed Fores in South Vietnam its admiration and appreciation of their courage and dedication to duty and by this resolution reaffirms its faith in our country and in those who are so loyally defending its honor and integrity.

RESOLVED FURTHER, that a copy of this resolution be sent by the Clerk of the House to the President of the United States, to the Secretary of Defense and to the Chairman of the Joint Chiefs of Staff with the request that it be communicated to the commanding officers of the fighting forces in South Vietnam.

Representative Peniston moved the adoption of **HR 108.** Agreed.

**Report of Committees**

The Committee on Kentucky Statutes #1 reported **HB 457, HB 463, HB 470, HB 473** and **SB 145** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 457**, AN ACT regulating the selection of jurors for circuit courts of the Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 29.135 of the Kentucky Revised Statutes is amended to read as follows:

(1) At each term of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names not to exceed sixty, to procure twelve persons to act as grand jurors for the next term of court and to secure not less than twenty-four nor more than thirty-two persons to act as petit jurors for the trial of civil and criminal cases at the next term; record the names upon paper, certify and sign it. *On the day the persons so drawn to serve as jurors are summoned to attend, the roll shall be called by the clerk, and the names of those persons who attend and are not excused by the court shall be entered of record by the clerk, who shall then write the names of said persons entered of record on identical separate slips of paper and deposit them in a box. After all of said slips have been deposited in said box and well mixed, the clerk of the court shall draw the names of twelve of said persons from the said box and the persons so drawn shall thereafter constitute the grand jury and no member may be replaced except as provided by KRS 29.215. Thereafter the court shall draw from the box, in open court, a sufficient number of names, not less than twenty-four nor more than thirty-six, to act as petit jurors for the trial of civil and criminal cases.* Sessions of court having continuous sessions held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held, shall be deemed terms of the court within the meaning of this section.

(2) In courts of continuous session, except the court in

counties containing a city of the first class, the judge of the court, or if the court has branches, the judge of the criminal branches shall, in open court, on a day at least two weeks next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than thirty-two, persons to act as petit jurors for the trial of civil and criminal cases, and shall make a written record thereof which he shall certify and sign. *On the day the persons so drawn to serve as jurors are summoned to attend, the roll shall be called by the clerk, and the names of those persons who attend and are not excused by the court shall be entered of record by the clerk, who shall then write the names of said persons entered of record on identical separate slips of paper and deposit them in a box. After all of said slips have been deposited in said box and well mixed, the clerk of the court shall draw the names of twelve of said persons from the said box and the persons so drawn shall thereafter constitute the grand jury and no member may be replaced except as provided by KRS 29.215. Thereafter the court shall draw from the box, in open court, a sufficient number of names, not less than twenty-four nor more than thirty-six, to act as petit jurors for the trial of civil and criminal cases.* In the civil branch of such court, the provisions of this subsection shall apply except that the court shall not draw in excess of sixty names of persons to act as petit jurors if there is a separate criminal branch.

(3) In circuit courts of counties containing a city of the first class, the judge of the criminal branch shall, on a day at least two weeks next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names in the discretion of the court, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than thirty-two, persons to act as petit jurors, and shall make a written record thereof, which he shall certify and sign. In the civil branches of such courts, the provisions of this subsection shall apply, except that the judge of each civil division requiring the services of a petit jury shall not draw more than sixty persons to act as petit jurors.

(4) If the criminal branch of said court contains more than one division, then the judges of the respective criminal divisions shall, insofar as possible, alternate by the month, in drawing and impaneling the grand jury.

(5) If, in the opinion of the judge, because of the particular nature or notoriety of a pending case, or for other reasons, it is deemed advisable by the court to have more jurors available at a particular time, the court may, by order entered of record, provide for the summoning of as many more qualified persons to act as petit jurors as the court may deem necessary to secure a petit jury for the trial of such action or actions.

(6) The court may, if a surplus number of jurors appear on the date when summoned, excuse any number of them in its discretion until such day as they may be ordered to report for jury service.

(7) A petit jury or petit jurors drawn by the judge of one branch or division of the court may be used by the judge of another branch or division of the court.

(8) If the day on which the drawing of jurors is prescribed to be done is a holiday, the judge shall draw the names on the following day.

(9) The judge shall not destroy the slips drawn from the drum until the persons who are to serve as jurors have been selected. The slips containing the names of those excused because of temporary disability shall be returned to the drum. The lists and slips shall be kept secret by the judge and the clerk until such time as the list is delivered to the sheriff as provided in KRS 29.175.

*(10) Any departure from the procedure set out in any of the foregoing sections shall create sufficient cause for challenge to the entire panel.*

Section 2. Whereas, it is increasingly difficult to obtain properly qualified unbiased grand and petit juries, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

**HB 463**, AN ACT relating to the publication of financial statements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 424.220 of the Kentucky Revised Statutes is amended to read as follows:

Excepting officers of a city of the first class, a county containing such a city, a public agency of such a city or county, or a joint agency of such a city and county, or of a school district of such a city or county, and excepting officers of a city of *any* [the second] class and school districts of such city or county that is required by law to publish, *and does publish* an annual audit of its financial affairs, every public officer of any school district, city, county, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of a city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. The statement shall show the amount of funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid, except that only the totals of amounts paid to each individual as salary or commission and public utility bills need to be shown. The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county court clerk of the county. Within thirty days after

publication the officer shall file with the Auditor of Public Accounts a copy of the newspaper containing the statement.

**HB 470**, AN ACT relating to social security.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 61.410 is amended to read:

(1) It is hereby declared to be the policy of the General Assembly to extend the Federal Old-Age, Survivors and Disability Insurance coverage to all public employes regardless of whether such employes are occupying positions which are covered by a retirement system; provided, however, that no employe occupying a position to which KRS 161.220 to 161.710 are applicable shall be held to fall within the class of persons sought to be affected by this statement of policy except for employes of the state colleges and public junior colleges *and except as provided in subsection (4) of this Section.*

(2) It is also the policy of the General Assembly that the protection afforded public employes by membership in a retirement system or by the right to receive periodic benefits under such a retirement system will not be impaired as a result of any agreement made between the Commonwealth and the Secretary pursuant to KRS 61.410 to 61.500.

(3) The General Assembly hereby ratifies the extension of Federal Old-Age Survivors and Disability Insurance coverage to public employes in positions covered by a retirement system prior to June 14, 1962, provided that the procedures specified by Kentucky Acts, 1956, Chapter 32, Section 3 (6) were substantially followed.

*(4) Subject to the provisions of KRS 61.430 and the Federal Social Security Act, as amended, it is declared to be the policy of the General Assembly to extend the aforesaid protection to public school teachers in all cities of the first and second class now covered by a state teachers' retirement system.*

Section 2. KRS 61.430 is amended to read:

Consistent with the terms and conditions of KRS 61.410 to 61.490, the state agency, with the approval of the Governor, is

hereby authorized to enter into an agreement with the Secretary for the purpose of extending insurance coverage to employes with respect to services specified in such agreement which constitute employment as defined in KRS 61.420. An agreement entered into under this section may contain provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary shall agree upon. Any agreement, subject to the provisions of the Social Security Act, shall provide in effect that:

(1) Insurance coverage shall be provided for employes whose services are described in the agreement, and their dependents and survivors on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state shall pay to the Secretary of the Treasury, at such times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of the taxes imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constitute employment within the meaning of that Act;

(3) Insurance coverage will be afforded with respect to services performed after an effective date specified in the agreement or modification thereof; provided, however, that such date shall not be earlier than January 1, 1955, in the case of an agreement or modification made between January 1, 1955, and January 1, 1958; or earlier than January 1, 1956, in the case of an agreement or modification made at any time in the years 1958 or 1959; or earlier than the first day of the year in which the agreement or modification was made, in the case of an agreement or modification made at any time between January 1, 1960, and July 1, 1962; or earlier than the first day of the fifth year preceding the year in which the agreement or modification is made, in the case of an agreement or modification made at any time after July 1, 1962;

(4) Insurance coverage shall be afforded with respect to all services constituting employment; provided, however, in order for insurance coverage to be afforded with respect to serv-

ices performed in the employ of a political subdivision of the state there must be in existence in regard to those services a plan which meets the requirements of KRS 61.460;

(5) Subject to the provisions of KRS 61.435, insurance coverage shall be afforded with respect to all services in positions covered by a retirement system; provided, however, that no agreement will be effective to afford insurance coverage to any services performed in positions to which KRS 161.220 to 161.710 are applicable except for services performed in positions in a state college or public junior college.

*(6) Such agreement or modification of such agreement made pursuant to the provisions of this section may include all services rendered by public school teachers in cities of the first and second class.*

Section 3. In order to determine whether public school teachers in cities of the first or second class desire to come under the provisions of KRS 61.410 and 61.430, a referendum shall be held in accordance with the procedure required by the Federal Social Security Act.

Section 4. Any agreement made pursuant to the provisions of KRS 61.430 (6) may be made retroactive for a period of five years from the date of such agreement.

**HB 473,** AN ACT relating to the operation of boats, vessels or water craft by non-residents upon any waters in the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. This Act may be cited as the Non-Resident Boating Act.

Section 2. In enacting this Act, it is the intention of the General Assembly to prevent a non-resident using the waters of the State of Kentucky and as a direct and proximate result of said use, causing any injury to any person or property and creating a situation where it is difficult or inconvenient to obtain service of process by virtue of any claim arising therefrom.

Section 3. As used in this Act, unless the context otherwise requires:

(1) "Vessel" means to include all navigable structures intended for commercial or pleasure transportation or any type of boating upon any river, lake, stream or body of water in the State of Kentucky. Said definition is to be interpreted liberally.

(2) "Boat" means to include all navigable structures intended for commercial or pleasure transportation or any type of boating upon any river, lake, stream or body of water in the State of Kentucky. Said definition is to be interpreted liberally.

(3) "Water craft" means to include all navigable structures intended for commercial or pleasure transportation or any type of boating upon any river, lake, stream or body of water in the State of Kentucky. Said definition is to be interpreted liberally.

(4) "Non-resident" means any person who does not live and reside in the State of Kentucky or any business or corporation which does not have the home office or principal place of business in the State of Kentucky.

Section 4. (1) Any nonresident operator or owner of any water craft who accepts the privilege extended by the laws of this state to nonresidents to operate water craft or have them operated within state shall, by such acceptance and by the operation of such water craft within this state, make the Secretary of State the agent of himself or his personal representative for the service of process in any civil action instituted in the courts of this state against the operator or owner, or the personal representative of the operator or owner, arising out of or by reason of any accident or collision or damage occurring within this state in which the water craft is involved.

(2) The clerk of the court in which the action is brought shall issue a summons against the defendant named in the petition and direct it to the sheriff of Franklin County. The sheriff shall execute the summons by delivering a true copy to the Secretary of State and shall also deliver with the summons an attested copy of plaintiff's petition. The Secretary of State shall immediately mail the copy of the summons and petition

to the defendant at the address given in the petition. The letter shall be posted by prepaid registered mail and shall bear the return address of the Secretary of State. The sheriff shall make the usual return to the court, and in addition the Secretary of State shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his return the registry receipt, if any. Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Rules of Civil Procedure.

(3) The sheriff serving the summons upon the Secretary of State shall pay to him, at the time of service, a fee of two dollars, which shall be taxed as costs in the action. The Secretary shall keep a record of each summons, including the day and hour of service upon him.

(4) The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to appear and defend the action.

(5) This chapter extends the right of service of process upon nonresidents, and does not limit any other provisions for the service of process.

(6) The provisions of this chapter shall apply to any operator or owner of any water craft who is a resident of this state at the time any accident or collision or damage occurs and who thereafter becomes a nonresident.

Section 5. Whereas it is increasingly difficult to obtain service of process on prospective defendants in claims for injuries and damages to persons and property in this Commonwealth, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

**SB 145**, AN ACT relating to the practice of Land Surveying; providing for the examination, licensing and registration of land surveyors; establishing standards and procedures for disciplinary actions, and imposing penalties for violations thereof; amending certain sections of Kentucky Revised Statutes, Chapter 322, and creating six new sections thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 322.010 is amended to read:

As used in this Chapter *and in this Act,* unless the context requires otherwise:

(1) "Board" means the State Board of Registration for Professional Engineers *and Land Surveyors.*

(2) "Engineer" means a person who is qualified by reason of his knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering.

(3) "Engineering" includes any professional services, such as consultation, investigation, evaluation, planning, design or responsible supervision of construction or operation, in connection with any public or private utility, structure, machine, equipment, process, work or project with which the public welfare or the safeguarding of life, health or property is concerned, when such professional service requires the application of engineering principles and data. It does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, such as locomotive, stationary, marine or power plant operators, nor work embraced within the practice of land surveying.

(4) "Practice of engineering" includes all professional services included in subsection (3), together with the negotiation or solicitation for engineering work on any project in this state, regardless of whether the persons engaged in that practice are residents of this state or have their principal office or place of business in this state or any other state or country, and regardless of whether they are performing one or all of these duties, or whether they are performing them in person or as the directing heads of offices or organizations.

*(5) "Land Surveying" means and includes any services requiring the determination of the location of land boundaries and land boundary corners and incidental topography; the preparation of maps showing the shape and area of tracts of land and their subdivision into smaller tracts; the preparation of maps*

*showing the layout of roads, streets and rights of way; and the preparation of official maps or plats of land within this state.*

*(6) "Land Surveyor" means and includes any person engaged in the practice of land surveying as herein defined, and shall include any public offer, or the holding out by any person to the public, to engage in the practice of land surveying.*

*(7) "Practice of land surveying" or "offer to practice" shall include performance of any act or acts directly related to land surveying, or any claim, oral or written, sign, letterhead, professional card, or other representation, on the part of any person representing himself to be a land surveyor or who holds himself out to the general public as possessing the ability and qualifications to perform land surveying within the terms of this Act.*

Section 2. KRS 322.200 is hereby amended to read:

(1) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they are preferred. The time and place of the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on or mailed to the last known address of the licensee at least thirty days before the date fixed for the hearing.

(2) At any hearing, the accused may appear personally and by counsel, cross-examine witnesses appearing against him and produce evidence and witnesses in his own defense. If, after the hearing, [three] *four* or more members of the board vote in favor of finding the accused guilty, the board [shall] *may* revoke his license, *or suspend the same for such length of time as they may in the exercise of a sound discretion deem to be reasonable.*

Section 3. KRS 322.230 is amended to read:

(1) The State Board of Registration for Professional Engineers *and Land Surveyors* shall consist of [five] *seven* appointed members and the Dean of the College of Engineering of the University of Kentucky, who shall be an ex officio member of the board.

(2) The term of each member of the board shall be four

years. Each member shall hold office until the expiration of the term for which he is appointed, or until a successor has been appointed and has qualified.

(3) Every member shall, before beginning his term of office, file with the Secretary of State his written oath for the faithful discharge of his official duties.

Section 4. KRS 322.240 is amended to read:

Each member of the board shall be a citizen of the United States and shall have been a resident of this state for five years. He shall have been engaged in the practice of the profession of engineering for at least twelve years, and shall have been in responsible charge of important engineering work or responsible charge of engineering teaching for at least five years. At no time shall more than two members whose qualifications are based on responsible charge of engineering teaching or more than two members from the faculties of the engineering colleges of the state be appointed to the board. All members of the board shall be licensed engineers. *In addition to the foregoing qualifications, two members of the board shall be licensed land surveyors.*

Section 5. KRS 322.250 is amended to read:

(1) The Governor shall appoint *two* [one] members of the board each year, with the exception of [every fourth year after 1942], *1966* when he shall appoint [two members] *four members for terms of one, two, three and four years, respectively, and every fourth year thereafter, when he shall appoint one member.*

(2) Every member of the board shall receive a certificate of his appointment from the Governor.

(3) Every vacancy shall be filled for the unexpired term by appointment of the Governor.

Section 6. Any person who shall demonstrate to the satisfaction of the board that he is a person of good moral character and reputation and has attained the age of twenty-one years shall be eligible to be licensed and registered as a land surveyor upon his qualification under any one of the following provisions:

(1) Any person holding a certificate of registration to engage in the practice of land surveying issued to him by the proper authorities of any state, territory, possession of the United States, District of Columbia, or any foreign country, based upon requirements and qualifications appearing in his application, which, in the opinion of the board, are equal to, or higher than, the requirements required to obtain a license in this state, may be registered and licensed to practice land surveying in this state.

(2) Any graduate from an accredited engineering or surveying curriculum of not less than four years, at an institution approved by the board, followed by not less than four years of land surveying experience under the direct supervision of a regularly licensed and registered land surveyor; and who shall pass a written examination, to be formulated by the board, designed to demonstrate that he is qualified to practice land surveying, shall be granted a license and registered as a land surveyor.

(3) Any person possessing eight or more years of active experience in the practice of land surveying under the direct supervision of a licensed and registered land surveyor, and who shall pass a written examination, to be formulated by the board, designed to show that he is qualified to practice land surveying, shall be licensed and registered as a land surveyor.

(4) Any person holding a valid certificate of registration as a professional engineer under the provisions of KRS Chapter 322 in the branch of civil engineering shall, upon proper application, be licensed and registered as a land surveyor by the board, provided such application shall have been filed with the board within one year from the effective date of this act.

(5) Any person otherwise eligible to be licensed and registered who, within one year from the effective date of this act, files his application with the board for a license and registration as a land surveyor, accompanied by his affidavit stating that he was engaged in the practice of land surveying in this state for not less than one year prior to the effective date of this act. and including therein the names and addresses of five references, three of whom shall be engaged in the practice of land surveying, shall be eligible for registration as a land sur-

veyor without written examination. Such person may be registered and licensed by the board providing such references are satisfactory and upon satisfaction of the board that he is competent and otherwise qualified. The fact that such license was issued under this sub-section shall appear upon the face of all licenses issued hereunder.

Section 7. (1) All applications for licensing and registration as a land surveyor shall be made upon forms to be provided by the board and shall be signed and sworn to by the applicant. In addition to such other information as the board may require, all applications shall contain a statement of the applicant's educational attainments and record of experience. References shall be furnished therein to not less than five persons possessing direct personal knowledge of the experience and work done by the applicant, at least three of whom shall be registered land surveyors. Applications shall be filed with the secretary to the board and shall be accompanied by an application fee, to be fixed by the board, in an amount not to exceed Twenty Five Dollars. In the event that the board shall, for good cause, deny the application, the fee accompanying the same shall be retained by the board to cover the cost of investigating and processing the same.

(2) Licenses for land surveyors shall expire on the last day of June of each year. All certificates shall be renewed upon the payment to the board, not to exceed the sum of Fifteen Dollars. Any person previously licensed who shall fail to obtain a renewal of his license on or prior to July 1st shall be automatically suspended from the further practice of land surveying. Any licensed land surveyor whose license has expired or who has been suspended from the practice by action of the board may be reinstated upon such conditions as the board may by regulation prescribe, including the payment of such additional fees as may be provided in such regulations.

(3) All fees paid to and collected by the board under the provisions of this section shall be deposited in a depository designated by the board and disbursed only at the direction of the board. The officer or employee of the board who shall be designated to collect and disburse the funds represented by such

fees shall be required to execute a bond, with corporate surety, in an amount to be determined by the board and reasonably calculated to cover the aggregate of such fees for a period of one year.

Section 8. Every licensed land surveyor shall procure a personal seal, of a form approved by the board, which shall be affixed together with his signature upon all maps, plats, surveys, or other documents relating to the practice of land surveying, before the delivery thereof to any client, or before offering to file for record any such map, plat, survey, or other document, in the office of the county court clerk of any county or any other public authority wherein the same may be required by law to be filed.

Section 9. It shall be unlawful for the Clerk of the county court of any county, or any other public authority with whom the same may be required by law to be filed, to accept for filing, file or record any map, plat, survey or other document related to the practice of land surveying, unless there is affixed thereto the personal seal and signature of a licensed land surveyor by whom, or under whose personal supervision and direction, such map, plat, survey or other document was prepared.

Section 10. (1) If it shall come to the attention of the board, either by written complaint filed and signed by any adult citizen or through such sources as the board may in its discretion deem to be reliable, that any licensed land surveyor has procured his license and registration as the result of any fraud, deceit or false statement made in his application, or in any document subsequently filed to which he shall have affixed his seal or signature, or in any oral testimony subsequently given in support of such application, or that he has been guilty of any gross negligence, incompetence or other misconduct in connection with the practice of land surveying, or has been convicted of any felony or crime involving moral turpitude, the board may revoke the license and registration of such person or suspend the same for such length of time as the board may deem reasonable in the exercise of its sound discretion.

(2) All proceedings instituted and conducted under the

preceding sub-section shall conform to the procedures set forth in KRS 322.190 to 322.220, inclusive.

Section 11. The provisions of this KRS Chapter 322 and of this Act relating to the necessity of holding a license to engage in the practice of land surveying shall not apply to:

(1) Any employee or employees of the Kentucky Department of Highways, or any other subdivision of the government of the Commonwealth of Kentucky, working under the direct supervision and control of a qualified and registered civil engineer.

(2) Any person or persons engaged in the practice of land surveying which is limited to the measurement of crops or agricultural land area under any agricultural program sponsored by an agency of the federal government or of the State of Kentucky.

(3) Any employee or subordinate of a person holding a valid land surveyors license under the provisions of this act; provided, however, that the work performed by such person does not include the preparation of any final maps, plats or other documents relating to land surveying which might become the subject of public record, and providing that the work of such employee is performed under the direct supervision of, and verified by, his licensed employer.

Section 12. It shall be the duty of the Attorney General of Kentucky, or such of his assistants as he may designate, to act as legal advisers to the board and to render such legal assistance as the board may from time to time require. In addition thereto, the Attorney General of Kentucky, all Commonwealth attorneys and the county attorney of each county shall, upon request of the board, and without additional compensation therefor, lend their assistance to the enforcement of the provisions of this act and the prosecution of any violations thereof. The board may employ such additional counsel as in its discretion may be or become necessary to the effective enforcement of this Act, the cost of which shall be paid exclusively from funds of the board.

Section 13. In the event that any section or sections of this Act shall be held to be unconstitutional or invalid, such invalidity shall not affect any of the other or remaining provisions hereof.

Section 14. All laws, or parts of laws in conflict with the provisions of this Act are hereby repealed.

The Committee on Kentucky Statutes # 1 reported **HB 460** with the expression of opinion that the same should not pass.

The Committee on Kentucky Statutes # 1 reported **HB 462, HB 465, HB 472, HB 474, HB 476, HB 477, HB 478, HB 479, HB 482, HB 483** and **HB 484** with the expression of opinion that the same should not pass.

The Committee on Courts and Legal Procedures reported **HB 466** with the expression of opinion that the same should pass. Read at length for the first ime and ordered placed in the Calendar.

**HB 466**, AN ACT relating to Circuit Courts of continuous session in counties having less than 150,000 inhabitants.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 24.046 is amended to read:

The Sixth, Seventeenth, *Thirty-second* and Thirty-fifth Circuit Court Districts shall have two judges each, and the Sixteenth and Twenty-second Circuit Court Districts shall have three judges each.

Section 2. (1) Within ninety days after this Act becomes operative, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the additional authorized Division of the Thirty-second Circuit Court District who, when appointed, shall be commissioned by the Governor as judge of the Circuit Court District and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is duly elected and qualifies as provided in subsection (2) of this section.

(2) At the regular election to be held on the first Tuesday after the first Monday in November, 1967, and every six years thereafter, such additional judge shall be elected, as other circuit judges are required to be elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

The Committee on Courts and Legal Procedures reported **HB 335** with Committee amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 335**, AN ACT relating to the publication, distribution and exhibition of certain reading material, photographs and film.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 436.540 is amended to read:

It is hereby declared to be the policy of the Commonwealth [legislature] to restrain the publication, sale, [and] distribution *and exhibition* to minors of *books, magazines, reading material, comic books, photographs and motion pictures* devoted to crime, terror, physical torture, brutality or illicit sex. It is found that such comic books, [and] publications, *magazines, reading material, photographs and motion pictures* are a contributing factor to juvenile crime and a basic factor in impairing the ethical and moral development of our youth.

Section 2. KRS 436.550 is amended to read:

Any person who shall publish or distribute for sale *or shall exhibit a motion picture theater or drive-in theater,* any book, pamphlet, [or] magazine, *photograph or films* consisting of narrative material in pictorial form, colored or uncolored, [and commonly known as comic books,] the content of which is devoted to or principally made up of pictures or accounts of methods of crime, terror, physical torture, brutality or illicit sex, shall, upon conviction, be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Section 3. KRS 436.560 is amended to read:

(1) Any person who shall knowingly sell, lend, give away, show, advertise for sale *or exhibit* or distribute commercially to any person under the age of eighteen years or have in his possession with intent to sell, lend, give away, show, advertise for sale *or exhibition* or [,] distribute commercially or otherwise offer to any person under the age of eighteen years any *books, magazines,* comic books, *reading material, photographs, motion*

*pictures* as described in KRS 436.550, shall be fined not more than *one thousand* [five hundred] dollars, or imprisoned not more than *one year,* [six months] or both. For the purpose of this section "knowingly" shall mean having knowledge of the character and content of the publication or failure to exercise reasonable inspection which would disclose the content and character of the same.

(2) If any *book, magazine,* comic book, *reading material, photograph or motion picture* as described in KRS 436.550 is displayed in any newsstand, bookstore, drugstore, market, *theater or drive-in theater* or other mercantile establishment where such publication, *or film,* may be seen by any person under the age of eighteen years, such display shall be presumptive evidence that the person owning or in charge of such establishment was exhibiting the same and intended to sell, offer for sale, display for sale or distribute the same commercially to persons under the age of eigheen years in violation of subsection (1) of this section.

*(3) The voluntary classification by any person of the reading materials, articles or film coming within the provisions of subsection (1) that the same are "For Adults Only" or "Adults" or "Adult Entertainment" or any combination of words which would indicate such limitation to the general public, shall be presumptive evidence of a violation of this section.*

[(3) The possession by any person of six or more identical articles coming within the provisions of subsection (1) of this section shall be presumptive evidence of a violation of this section.]

Committee amendment to **HB 335** is as follows:

Amend printed copy of House Bill 335 on page 2, line 2, by: inserting after the word "exhibit" the following word: "in"

and on page 3 by: deleting lines 8 through 13 in their entirety and adding in lieu thereof, the following:

"(3) Upon the voluntary classification by any person of the reading materials, articles or film coming within the provisions of subsection (1) that the same are "For Adults Only" or "Adults" or "Adult Entertainment" or any combination of words which would indicate such limitation to the general public, any person

who there sells or exhibits such reading materials, articles or films to a minor that person shall be guilty of a violation of this Act."

The Committee on Criminal Law reported **HB 76, HB 214, HB 228, HB 265, HB 270, HB 333, HB 420** and **SB 128** with the expression of opinion that the same should not pass.

The Committee on Judiciary and Judicial Council reported **HB 80, HB 110, HB 314, HR 42, SB 21, SB 30, SB 35** and **SB 47** with the expression of opinion that the same should not pass.

The Committee on Appropriations reported **HB 73, HB 202, HB 235, HB 276, HB 294, HB 362, HB 370, HB 371, HB 372, HB 376, HB 387, HB 408, HB 15, HB 18, HB 25, HB 30, HB 41, HB 46, HB 49, HB 441** and **HR 47** with the expression of opinion that the same should not pass.

## Calendar

**HB 390, HB 413, HB 445, SB 61, SB 103, SB 108, HB 173, HB 176, HB 179, HB 190, HB 220, HB 305, HB 350, HB 357, HB 360, HB 366, HB 399, HB 440, HB 406, HB 412, HB 414, HB 415, HB 312, HB 429, HB 434, SB 124, SB 159, HB 501, SB 57, HB 182, HB 481, HB 145, HB 382, HB 416, HB 377, HB 402, HB 433, HB 438, HB 443** and **HB 461** taken from the Calendar and ordered read at length for the second time. Representative John Y. Brown moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative John Y. Brown moved that the Rules be suspended to take **HB 471** from Orders of the Day and place it upon its passage.

On the roll call the vote was yeas 46—Allen, Arnett, Barber, Bates, Blythe, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Chaudoin, Cox, Criscillis, Denham, Hale, Henry, Hinkle, Hoffman, Hopkins, Irick, Johnson, Keene, Kessinger, King, Lassiter, Leeds, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Osborn, Ostertag, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Sheehan, Smothers, Straney, Stuart,

Tucker, Webster, Wheeler, White. Nays 6—Bicknell, Caldwell, Clapp, Dempsey, Jordan, Wells.

The motion that the Rules be suspended was rejected.

Representative John Y. Brown moved that the vote to suspend the Rules be recapitulated.

On the roll call the vote was yeas 56—Allen, Arnett, Barber, Bates, Blume, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Buky, Carroll, Chapman, Chaudoin, Cox, Criscillis, Denham, Hale, Hardin, Henry, Hinkle, Hoffman, Hopkins, Irick, Johnson, Keene, King, Lassiter, Leeds, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Russell, Sheehan, Smith, Smothers, Straney, Stuart, Tucker, Watkins, Webster, Wheeler, White, Wright. Nays 6—Dempsey, Floyd, Hislope, Jordan, Sartin, Wells.

The motion that the Rules be suspended was adopted.

**HB 471** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative John Y. Brown moved the adoption of the following Amendment No. 1 to **HB 471:**

Amend printed copy of House Bill 471 on page 18, beginning on line 3, by:

Retaining in full the text of the present PART VI, but redesignating it as PART V, and inserting a new PART IV to read as follows:

PART IV

(1) There is hereby created the Commission to Help Education. The function of the commission is to study the organization, administration and financing of public elementary and secondary schools in the Commonwealth, and to make recommendations based on its findings.

(2) The Commission shall be composed of eighteen members, who shall be appointed by the Governor. Six members shall

be appointed from the General Assembly. Six members shall be public elementary and secondary school educators. Six members shall be citizens at large who shall not be educators. The Governor shall serve as Chairman of the Commission. The Superintendent of Public Instruction shall serve as Vice-chairman. The Commission shall meet on call of the Chairman. Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties under this Act.

(3) The Department of Education, the Department of Finance, the Department of Revenue, the Legislative Research Commission, and all other departments, agencies, and commissions of state government are directed to assist the Commission as it may request.

(4) The Commission may submit interim reports and shall submit a final report and recommendations to the General Assembly no later than November 1, 1967.

(5) The following section of the Kentucky Revised Statutes are hereby repealed: KRS 157.014; 157.016; 157.018; 157.022; and 157.024.

Amend printed copy of House Bill 471 on page 13, line 17, by:
adding after the word "any" the following:
"insurance company,"

page 14, line 8, by:
changing the period at the end of the line to a comma and adding the following:
"except that 'gross receipts' shall not include amounts received for furnishing energy or energy-producing fuels, used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three per cent of the cost of production, and shall not include amounts received for furnishing any of the above utilities which are to be resold."

Agreed.

Representative DeMarcus moved the adoption of the following Amendment No. 2 to **HB 471**:

Amend printed copy of House Bill 471 on page 7, line 25, by:

through page 18, line 2, by striking in their entirety all lines beginning on page 7, line 25, through page 18, line 2;

Rejected.

Representative DeMarcus moved that the vote by which his motion was defeated be recapitulated and asked for a roll call. The Speaker ruled Representative DeMarcus' motion out of order.

On the roll call the vote was yeas 88—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 5—Clapp, Isler, Murphy, Riddle, Sheehan.

HB 471 as amended was passed.

Representative John Y. Brown moved the adoption of the following title amendment to HB 471:

Amend printed copy of House Bill 471 on page 1, by:

deleting from the title the words "revenue and taxation" and substituting:

"and the financing thereof."

On the roll call the vote was yeas 76—Arnett, Ball, Barber, Bartley, Bates, Bicknell, Blume, Blythe, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller,

John D. Miller, Morgan, Murphy, Ostertag, Overman, Peniston, Pettit, Pile, Russell, Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Siemens, Smith, Smothers, Stuart, Tucker, Warders, Watkins, Wells, Wheeler, White, Whitlock, Wright. Nays 1—Young.

Agreed.

Representative John Y. Brown moved that the vote by which **HB 471** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

## Senate Message

Announcing passage of **SB 152, SB 127, SB 149, SB 165, SB 109, HB 32** with Senate amendment, **SB 112, SB 118, SB 150, SB 151, SB 162 SB 179** and **SB 188.**

Representative Morgan moved the adoption of the following Senate amendment to **HB 32:**

Amend printed copy of House Bill 32 by inserting after line 10:

"Section 4. For the purposes of this Act, there is appropriated, to the Legislative Session Account, out of the General Expenditure Fund in the State Treasury the sum of $248,400 for the fiscal year 1966-67."

"Section 5. This Act shall become effective July 1, 1966."

On the roll call the vote was yeas 60—Allen, Barber, Billings, Blume, Bourne, Archie Brown, Edward G. Brown, Buky, Carroll, Chapman, Chaudoin, Clapp, Cox, Criscillis, Denham, Floyd, Hale, Harris, Henry, Hopkins, Howard P. Hunt, James E. Hunt, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, Clarence R. Miller, Morgan, Murphy, Ostertag, Overman, Pettit, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Wallace, Warders, Wells, White, Whitlock, Wright. Nays 11—Bartley, Blythe, John Y. Brown, Bruce, Harper, McCowan, Osborn, Peniston, Smith, Wheeler, Young.

The Senate amendment to **HB 32** was adopted.

On the roll call the vote was yeas 57—Allen, Barber, Billings, Blume, Bourne, Archie Brown, Edward G. Brown, Buky, Carroll, Chaudoin, Clapp, Cox, Criscillis, Denham, Floyd, Hale, Harris, Henry, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, Clarence R. Miller, Morgan, Murphy, Ostertag, Overman, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smothers, Straney, Stuart, Tucker, Wells, White, Whitlock, Wright. Nays 25—Ball, Bartley, Bates, Blythe, Bondurant, John Y. Brown, Bruce, Clark, Dempsey, Harper, Hinkle, Hislope, Hoe, Lassiter, McCowan, McNamara, Osborn, Peace, Peniston, Pettit, Smith, Vanover, Watkins, Wheeler, Young.

**HB 32** as amended was passed and the title agreed to.

**HB 269** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Russell moved the adoption of the Russell-Wright amendment No. 1 to **HB 269,** as follows:

Amend printed copy of House Bill 269 on page 3, lines 11, 12 and 13, by:

striking out said lines and inserting in lieu thereof the following:

"and control of a board of education consisting of fifteen members to be elected from divisions. In those matters on which the law required"

and further amend said bill page 3, lines 22 to 27 by striking out all of said lines and inserting in lien thereof the following:

"merging county school district and the board members of the merging independent school district shall be members of the board of education of the merged district until their terms of office expire. The joint board so constituted shall elect five additional members of the board who shall serve until the first Monray in January following the next November election held in an even numbered year when their successors are elected."; and

further amend said bill page 4, line 27 by striking out the word "five" and inserting in lieu thereof the word "fifteen"; and

further amend said bill page 5, line 15 by striking out the words "the entire district at large" and inserting in lieu thereof the words "each odd numbered division"; and

further amend said bill page 5, lines 16 and 17 by striking out the words "the entire district at large" and inserting in lieu thereof the words "each even numbered division"; and

further amend said bill page 5, line 17 by striking out the words "If the even num—" and by striking out all of lines 18 through 28; and

further amend said bill page 6, lines 1 to 4 by striking out all of said lines; and

further amend said bill page 6, lines 5 to 18 by striking out all of said lines and inserting in lieu thereof the following:

"(3) To obtain a place on the ballot or voting machine, candidates for board members from divisions shall file nominating petition in accordance with KRS 118.080. No voter shall sign more than one petition for any candidate for board member.

(4) Each voter of a division of the merged school district may vote for one candidate for board member from that division."; and

further amend said bill page 9, lines 25 to 28 by striking out all of said lines; and

further amend said bill, page 10, lines 1 to 27 by striking out all of said lines and inserting in lieu thereof the following:

"Section 7. This Act shall become effective in any county containing a city of the first class when it is approved by the voters of the county voting at an election. At the general November election in 1966 the fiscal court of any such county shall submit to the voters of the county the"

Representative Blume moved that HB 269 be laid on the table.

On the roll call the vote was yeas 16—Allen, Blume, Bondurant, Carroll, Chaudoin,Harris, Hoffman, Howard P. Hunt, Jr., Johnson, Kessinger, John D. Miller, Pettit, Pile, Sheehan, Tucker, Warders. Nays 32—Archie Brown, E. G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Clark, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Hinkle, Jones, McNamara,

Overman, Peace, Peniston, Riddle, Russell, Short, Smith, Smothers, Straney, Vanover, Wells, Wheeler, White, Wright.

The motion that **HB 269** be laid on the table was rejected.

On the roll call the vote was yeas 40—Allen, Arnett, Blume, Bondurant, Archie Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clark, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Howard P. Hunt, Jr., James E. Hunt, Irick, Jones, Kelly, Lassiter, Maddox, Clarence R. Miller, John D. Miller, Morgan, Ostertag, Overman, Peace, Pettit, Pile, Riddle, Russell, Sartin, Sheehan, Siemens, Smith, Smothers, Tucker, Vanover, Warders, Wells, Wheeler, White, Wright, Young. Nays 1—Peniston.

Amendment No. 1 to **HB 269** was adopted.

Representative Blume moved the adoption of Amendment No. 2 to **HB 269**, as follows:

Amend printed copy of House Bill 269 on page 2, line 3, by: deleting the words "city of the first class";

and on page 2, lines 8 and 9, by deleting the words "but shall exclude the area of any other independent school district";

and on page 6, line 20, by deleting the word "both" and insering in lieu thereof the word "the";

and on page 6, line 21, by deleting the word "two";

and on page 9, line 1, by deleting the word "two";

and on page 9, line 14, by amending the word "district" to read "districts";

and on page 10, line 28, by deleting the word "city" and amending the word "district" to read "districts".

Representative John Miller moved that Amendment No. 2 to **HB 269** be laid on the table.

On the roll call the vote was yeas 9—Allen, Blume, Bondurant, Howard P. Hunt, Jr., Johnson, Kessinger, John D. Miller, Roberts, Webster. Nays 38—Barber, Blythe, Archie Brown, E. G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Clapp, Clark, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Harper, Hinkle, James E. Hunt, Jones, Leeds, McNamara, Morgan, Overman, Peniston, Riddle, Russell, Sartin, Siemens, Smith, Smothers, Straney, Tucker, Vanover, Wells, Wheeler, White, Wright.

The motion that Amendment No. 2 to **HB 269** be laid on the table was rejected.

Representative John Y. Brown moved the Previous Question on **HB 269.**

On the roll call the vote was yeas 41—Barber, Blythe, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Dempsey, Denham, Floyd, Hale, Hinkle, Hislope, Hoffman, Hopkins, Jones, Keene, Kelly, Lassiter, Leeds, Martin, McNamara, Clarence R. Miller, John D. Miller, Overman, Peniston, Pile, Roberts, Russell, Sartin, Smith, Smothers, Vanover, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 14—Ball, Bicknell, Blume, Chapman, Clark, Criscillis, Harper, Hoe, James E. Hunt, Secrest, Short, Straney, Stuart, Warders.

The motion on the Previous Question was adopted.

On the roll call the vote was yeas 32—Allen, Ball, Barber, Blume, Blythe, Archie Brown, Edward G. Brown, Criscillis, Hale, Harris, Hinkle, Hoffman, Hopkins, Irick, Kelly, Kessinger, Lassiter, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Pettit, Pile, Sartin, Siemens, Smith, Smothers, Straney, Tucker, Wells, Whitlock. Nays 24—Bicknell, Bruce, Buky, Caldwell, Chapman, Chaudoin, Clapp, Denham, Eicher, Harper, James E. Hunt, Jones, Ostertag, Overman, Peniston, Riddle, Roberts, Russell, Sheehan, Vanover, Webster, Wheeler, White, Wright.

Amendment No. 2 to **HB 269** was adopted.

On the roll call he vote was yeas 41—Arnett, Barber, Billings, Blythe, Bourne, Archie Brown, Edward G. Brown, Bruce, Buky, Caldwell, Clark, DeMarcus, Eicher, Floyd, Hale, Hardin, Hislope, Jones, King, Martin, McNamara, Clarence R. Miller, Morgan, Ostertag, Overman, Peace, Riddle, Russell, Sartin, Short, Siemens, Smith, Smothers, Straney, Vanover, Watkins, Wells, Wheeler, White, Wright, Young. Nays 32—Allen, Ball, Bicknell, Bondurant, John Y. Brown, Carroll, Chapman, Chaudoin, Criscillis, Dempsey, Harris, Hinkle, Hoffman, Hopkins, Isler, Johnson, Jordan, Kelly, Kessinger, Lassiter, Maddox, Majors, McBrayer, John D. Miller, Murphy, Peniston, Pettit, Pile, Sheehan, Stuart, Warders, Webster.

**HB 269** as amended was passed and the title agreed to.

Representative Russell moved that the vote by which **HB 269** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HR 96** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Allen, Arnett, Barber, Bartley, Bates, Bicknell, Blume, Blythe, Bondurant, Bourne, Archie Brown, John Y. Brown, Bruce, Buky, Caldwell, Chapman, Chaudoin, Cox, Criscillis, Dempsey, Denham, Floyd, Hale, Hardin, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, Lassiter, Leeds, Maddox, Majors, McBrayer, McCowan, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pile, W. J. Reynolds, Roberts, Russell, Sartin, Sheehan, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Wright, Young. Nays 0.

**HR 96** was passed and the title agreed to.

**SB 5** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Edward G. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jordan, Keene, Kelly, Kessinger, King, Leeds, Maddox, Majors, McBrayer, McCowan, McNamara, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Smith, Smothers, Straney, Stuart,

Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 0.

**SB 5** was passed and the title agreed to.

**SB 20** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Allen, Arnett, Barber, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Clapp, Cox, Criscillis, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, McBrayer, McNamara, Clarence R. Miller John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pettit, Pile, W. J. Reynolds, Riddle, Roberts, Secrest, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wheeler, White, Whitlock, Young. Nays 5—Ball, Dempsey, Hislope, James E. Hunt, Sartin.

**SB 20** was passed and title agreed to.

Representative Wheeler moved that the Rules be suspended to call a bill out of position in Orders of the Day. Agreed.

**SB 66** taken from Orders of the Day and ordered read at length for the third time. Representative Wheeler moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hislope, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Peace, Peniston,

Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Sartin, Secrest, Sheehan, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Young. Nays 0.

**SB 66** was passed and the title agreed to.

## Senate Message

Announcing passage of **SB 46, SB 166, SB 172, SB 174, SB 184, HB 104** with amendment, **HB 111** with amendment, **HB 194** with amendment, **HB 132,** and **HB 257** with amendment.

**HB 278** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59—Allen, Arnett, Ball, Barber, Bates, Bicknell, Blume, Bondurant, Bruce, Buky, Chapman, Clark, Cox, Criscillis, Dempsey, Eicher, Floyd, Hardin, Harper, Harris, Hinkle, Hoe, Hoffman, Hopkins, James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, Lassiter, Leeds, Majors, Martin, McNamara, Clarence R. Miller, John D. Miller, Overman, Peace, Peniston, Pettit, Pile, Russell, Reynolds, W. J. Reynolds, Sartin, Smith, Smothers, Tucker, Vanover, Wallace, Warders, Watkins, Wells, Wheeler, White, Young. Nays 2—Bourne, John Y. Brown.

**HB 278** was passed and the title agreed to.

The Speaker vacated the Chair. Representative Carroll presiding.

**HB 236** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Watkins moved the adoption of the following Amendment No. 1 to **HB 236:**

Amend printed copy of House Hill 236 on page 1, lines 8 and 9, by:

striking out all of said lines and inserting in lieu thereof the following:

*"or deepen a water supply well, and geological or structure test holes after the effective date of this act* until such person shall obtain a per–"

and further amend said bill, page 4, line 17 by striking out the words *"this statute"* and inserting in lieu thereof the following:

*"KRS Chapter 353"*

and further amend said bill, page 5, lines 8 and 9 by inserting between said lines the following:

*"(9) All sums received through the forfeiture of bonds shall be placed in the State Treasury and credited to a special agency account to be designated as the Oil and Gas Well Plugging Fund. This Fund shall be available to the department and may be expended for the plugging of any abandoned wells coming within the authortiy of the department pursuant to KRS Chapter 353. The plugging of any well pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist except for such plugging. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action."*

and further amend said bill, page 5, lines 9 and 14 by striking out the figures "(9)" and "(10)" and inserting in lieu thereof the figures "(10)" and "(11)"

Agreed.

On the roll call the vote was yeas 51–Barber, Bartley, Bates, Billings, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Chapman, Cox, Denham, Hale, Hardin, Harris, Hinkle, Hoe, Hoffman, Irick, Isler, Jones, Kelly, Lassiter, Leeds, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peniston, Pile, W. J. Reynolds, Riddle, Siemens, Smothers, Straney, Warders, Watkins, Webster, Wheeler, White, Whitlock, Wright, Young. Nays 19–Arnett, Ball, Bicknell, Clapp, Criscillis, Dempsey, Eicher, Floyd, Harper, Henry, Hislope, James E. Hunt,

Maddox, McCowan, Russell Reynolds, Russell, Sartin, Short, Wells.

**HB 236** as amended was passed and the title agreed to.

Representative Siemens moved that the Rules be suspended to call a bill out of position in Orders of the Day. Agreed.

**HB 352** taken from Orders of the Day and ordered read at length for the third time. Representative Siemens moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 87—Allen, Arnett, Ball, Barber, Bates, Bicknell, Billings, Blume, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Denham, Eicher, Floyd, Hale, Hardin, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Majors, Martin, McBrayer, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 1—Dempsey.

**HB 352** was passed and the title agreed to.

Representative Eicher moved that the vote by which **HB 352** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Denham moved that the Rules be suspended to call a bill out of position in Orders of the Day. Agreed.

**HB 249** taken from Orders of the Day and ordered read at length for the third time. Representative Denham moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 89—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown,

Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 249** was passed and the title agreed to.

**HB 250** taken from Orders of the Day and ordered read at length for the third time. Representative Denham moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 87—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie, Brown, Edward G. Brown, John Y. Brown, Bruce, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Vanover, Wallace, Warders, Watkins, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 250** was passed and the title agreed to.

**HB 251** taken from Orders of the Day and ordered read at length for the third time. Representative Denham moved that it be read by title only and placed upon its passage. Agreed by a majoriy of members elected.

On the roll call the vote was yeas 86—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Blume, Blythe, Bondurant,

Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osertag, Overman, Peace, Peniston, Pettit, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 251** was passed and the title agreed to.

**SB 41** taken from Orders of the Day and ordered read at length for the third time. Representative Murphy moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 82—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Criscillis, Dempsey, Eicher, Floyd, Hale, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Jones, Jordan, Keene, Kessinger, King, Lassiter, Leeds, Majors, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Wright. Nays 0.

**SB 41** was passed and the title agreed to.

Representative Denham moved that the House adjourn until 10:00 a.m., March 2, 1966.

On the roll call the vote was yeas 36—Allen, Barber, Bartley, Bates, Bicknell, Bondurant, Bourne, Edward G. Brown, Chapman, Clapp, Cox, DeMarcus, Denham, Henry, Hinkle, Hopkins, Jordan, Kelly, Lassiter, Leeds, Maddox, Martin, McNamara,

Murphy, Osborn, Overman, Peniston, W. J. Reynolds, Roberts, Siemens, Smith, Smothers, Straney, Tucker, Webster, Wheeler. Nays 47—Arnett, Ball, Billings, Blume, Blythe, Archie Brown, Bruce, Buky, Caldwell, Carroll, Chaudoin, Clark, Dempsey, Floyd, Hale, Hardin, Harper, Harris, Hoe, Howard P. Hunt, Jr., James E. Hunt, Johnson, Jones, Keene, Kessinger, King, McBrayer, McCowan, John D. Miller, Morgan, Ostertag, Peace, Pettit, Pile, Russell, Reynolds Reynolds, Russell, Sartin, Secrest, Sheehan, Short, Vanover, Wallace, Warders, Watkins, Wells, White, Whitlock.

The motion to adjourn was rejected.

**HB 40** taken from Orders of the Day and ordered read at length for the third time. Representative Peace moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Peniston, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Tucker, Vanover, Wallace, Warders, Webster, Wheeler, White, Whitlock, Wright. Nays 2—Kelly, Kessinger.

**HB 40** was passed and the title agreed to.

**HB 243** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown,

Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Isler, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Penison, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Stuart, Vanover, Wallace, Warders, Watkins, White, Whitlock, Wright, Young. Nays 0.

**HB 243** was passed and the title agreed to.

**HB 324** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Tucker moved the adoption of Committee Amendment No. 1 to **HB 324.** Agreed.

Representative Howard Hunt moved the adoption of Com-Amendment No. 1 to **HB 324.** Agreed.

Representative Harris moved the adoption of an Amendment to Amendment No. 2 to **HB 324,** as follows:

Amend Amendment No. 2 to House Bill 324 on page 31, line 19, by:

by striking the word *"ten"* and re-inserting the word *"six"*,

and on page 32, line 21, by striking the word *"ten"* and re-inserting the word *"six"*,

and on page 32, line 25, by striking the word *"five"* and re-inserting the word *"three"*.

Representative John Y. Brown moved that **HB 324** be made a Special Order for 10:00 a.m., March 2, 1966.

On the roll call the vote was yeas 42—Allen, Barber, Bondurant, Bourne, Edward G. Brown, John Y. Brown, Buky, Cox, DeMarcus, Denham, Henry, Hinkle, Hopkins, Isler, Jones, Jordan, Kelly, King, Leeds, McNamara, Clarence R. Miller, Murphy, Osborn, Ostertag, Overman, Peniston, Pile, W. J. Reynolds,

Roberts, Sartin, Siemens, Smothers, Straney, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wheeler, Wright, Young. Nays 41—Arnett, Ball, Bartley, Bates, Bicknell, Billings, Blume, Archie Brown, Bruce, Caldwell, Chapman, Chaudoin, Dempsey, Eicher, Floyd, Hale, Harper, Harris, Hoe, Hoffman, Howard P. Hunt, James E. Hunt, Irick, Johnson, Keene, Kessinger, Majors, Martin, McBrayer, John D. Miller, Morgan, Peace, Russell Reynolds, Riddle, Russell, Secrest, Sheehan, Smith, Wallace, White, Whitlock.

The motion that **HB 324** be made a Special Order for 10:00 a.m., March 2, 1966, was rejected.

Representative Archie Brown moved that **HB 324** and the amendments be laid on the table.

On the roll call the vote was yeas 11—Bicknell, Archie Brown, Buky, Dempsey, Hale, James E. Hunt, Kelly, Maddox, McCowan, Pile, Vanover. Nays 59—Allen, Arnett, Barber, Bates, Billings, Blume, Bondurant, E. G. Brown, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Floyd, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., Irick, Isler, Johnson, Jones, Jordan, Keene, King, McBrayer, McNamara, C. R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peniston, Pettit, Russell, Reynolds, Riddle, Roberts, Russell, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Straney, Wallace, Webster, Wells, Wheeler, White, Whitlock.

The motion to table **HB 324** was rejected.

On the roll call the vote was yeas 42—Ball, Barber, Bartley, Bates, Billings, Blume, Blythe, Edward G. Brown, Carroll, Chapman, Chaudoin, Cox, Eicher, Floyd, Hale, Hardin, Harris, Hoe, Hoffman, Howard P. Hunt, Jr., Irick, Johnson, Jones, Keene, McBrayer, John D. Miller, Morgan, Murphy, Osborn, Pettit, Pile, Russell Reynolds, Russell, Sartin, Secrest, Sheehan, Smith, Stuart, Vanover, Wallace, Webster, Whitlock. Nays 40—Arnett, Bicknell, Bondurant, Bourne, Archie Brown, John Y. Brown, Buky, Clark, Criscillis, DeMarcus, Dempsey, Denham, Harper, Henry, Hinkle, Hopkins, Isler, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Martin, McCowan, McIntyre, McNamara, Peace, Penis-

ton, W. J. Reynolds, Riddle, Short, Siemens, Smothers, Watkins, Wheeler, White, Wright, Young.

The amendment to Amendment No. 2 on **HB 324** was adopted.

On the roll call the vote was yeas 34—Barber, Bates, Billings, Blume, Blythe, Archie Brown, Edward G. Brown, Bruce, Carroll, Chapman, Chaudoin, Dempsey, Floyd, Hale, Hardin, Harris, Hoffman, Howard, P. Hunt, Jr., Irick, Johnson, Keene, McBrayer, John D. Miller, Morgan, Murphy, Peace, Pettit, Russell, Reynolds, Russell, Sheehan, Smith, Stuart, Warders. Nays 50—Allen, Arnett, Ball Bartley, Bicknell, Bondurant, Bourne, John Y. Brown, Buky, Clark, Cox, Criscillis, DeMarcus, Denham, Eicher, Harper, Henry, Hinkle, Hoe, Hopkins, Isler, Jones, Jordan, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Martin, McCowan, McIntyre, Osborn, Overman, Peniston, W. J. Reynolds, Riddle, Roberts, Short, Siemens, Smothers, Straney, Vanover, Wallace, Webster, Wheeler, White, Whitlock, Wright, Young.

Amendment No. 2 to **HB 324** was rejected.

Representative Russell Reynolds moved that the House adjourn until 10:00 a.m., March 2, 1966.

On the roll call the vote was yeas 21—Blume, Edward G. Brown, Bruce, Carroll, DeMarcus, Dempsey, Denham, Harris, Howard, P. Hunt, Jr., Johnson, Jordan, Keene, Majors, Morgan, Osborn, Peniston, Russell Reynolds, Sartin, Sheehan, Vanover, Young. Nays 60—Arnett, Ball, Barber, Bates, Bicknell, Billings, Bondurant, Archie Brown, Buky, Caldwell, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, Eicher, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hoe, Hopkins, James E. Hunt, Irick, Jones, Kelly, Kessinger, King, Lassiter, Leeds, Martin, McCowan, McIntyre, McNamara, Murphy, Ostertag, Overman, Peace, Pettit, Pile, W. J. Reynolds, Riddle, Roberts, Russell, Secrest, Short, Smith, Smothers, Tucker, Wallace, Warders, Watkins, Webster, Wheeler, White, Whitlock, Wright.

The motion to adjourn was rejected.

Representative Secrest moved the adoption of Amendment No. 3 to **HB 324**, as follows:

Amend printed copy of House Bill 324 on page 25, by:

deleting lines 12 through 21 in their entirety.

On the roll call the vote was yeas 55—Allen, Ball, Bates, Bicknell, Billings, Bourne, Archie Brown, Bruce, Buky, Chaudoin, Clark, DeMarcus, Dempsey, Denham, Floyd, Hardin, Harris, Hinkle, Hoe, James E. Hunt, Irick, Johnson, Jones, Kessinger, King, Leeds, McCowan, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Ostertag, Overman, Peace, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Secrest, Sheehan, Short, Smothers, Stuart, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright. Nays 22—Arnett, Barber, Blume, Bondurant, John Y. Brown, Caldwell, Clapp, Cox, Criscillis, Eicher, Henry, Hopkins, Kelly, Maddox, McBrayer, Osborn, Peniston, Pettit, Sartin, Straney, Tucker, Young.

Amendment No. 3 to **HB 324** was adopted.

On the roll call the vote was yeas 95—Allen, Arnett, Ball, Barber, Bartley, Bates, Bicknell, Billings, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Bruce, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Clark, Cox, Criscillis, DeMarcus, Dempsey, Denham, Eicher, Floyd, Hale, Hardin, Harper, Harris, Henry, Hinkle, Hoe, Hoffman, Hopkins, Howard P. Hunt, Jr., James E. Hunt, Irick, Johnson, Jones, Jordan, Keene, Kelly, Kessinger, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Riddle, Roberts, Russell, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wells, Wheeler, White, Whitlock, Wright, Young. Nays 0.

**HB 324** as amended was passed and the title agreed to.

**HB 206** taken from Orders of the Day and ordered read at length for the third time. Representative John Y. Brown moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73—Allen, Arnett, Barber, Bates, Blume, Blythe, Bondurant, Bourne, Archie Brown, Edward G. Brown, John Y. Brown, Buky, Caldwell, Carroll, Chapman, Chaudoin, Clapp, Cox, Denham, Floyd, Hale, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Johnson, Jones, Jordan, Keene, Kessinger, King, Leeds, Majors, Martin, McBrayer, McCowan, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Morgan, Osborn, Ostertag, Overman, Peace, Peniston, Pettit, Pile, Russell Reynolds, W. J. Reynolds, Roberts, Russell, Sartin, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Wallace, Warders, Watkins, Webster, Wheeler, White, Wright, Young. Nays 5—Bicknell, Criscillis, Dempsey, James E. Hunt, Maddox.

**HB 206** was passed and the title agreed to.

Representative Denham moved that the House adjourn until 10:00 a.m., Wednesday, March 2, 1966.

On the roll call the vote was yeas 57—Allen, Barber, Bicknell, Blume, Bondurant, Edward G. Brown, John Y. Brown, Bruce, Carroll, Chapman, Chaudoin, Cox, Criscillis, Dempsey, Denham, Hardin, Hinkle, Hoffman, Hopkins, Irick, Johnson, Jordan, King, Lassiter, Leeds, Maddox, Majors, Martin, McBrayer, McIntyre, McNamara, Clarence R. Miller, John D. Miller, Murphy, Osborn, Ostertag, Overman, Peace, Peniston, W. J. Reynolds, Roberts, Sartin, Secrest, Sheehan, Short, Siemens, Smith, Smothers, Straney, Stuart, Tucker, Vanover, Warders, Watkins, Webster, Wheeler, Young. Nays 19—Arnett, Bates, Blythe, Buky, Caldwell, Clapp, Clark, Harper, Hoe, James E. Hunt, Jones, Keene, Kessinger, McCowan, Pettit, Pile, Russell Reynolds, Russell, White.

The motion to adjourn was adopted.